

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 12, 1999

(Published November 20, 1999,
in Finance and Commerce)

Council Chamber

Minneapolis, Minnesota

November 12, 1999 - 9:30 a.m.

President Cherryhomes in the Chair.

Present - Council Members Herron, Mead,
Lane, McDonald, Johnson, Thurber, Ostrow,
Campbell, Biernat, Niland, Goodman, Colvin Roy,
President Cherryhomes.

Campbell moved acceptance of the minutes
of the regular meeting of October 29 and the
adjourned session held November 8, 1999.
Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and
communications and reports of the City officers to
proper Council committees and departments.
Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COORDINATOR (265334)

FY 2000 Consolidated Plan: Community
Needs & Proposed Use of Funds for FY 2000
Consolidated Plan covering CDBG, HOME, ESG
& HOPWA funds, w/Attachments.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (265335)

Fort Snelling Academy (Fort Snelling State
Park Upper Bluffs): Resolution granting
preliminary approval to issue tax-exempt & taxable
development revenue bonds to restore five historic
buildings to house college prep high school
students.

Grant St Apts (515 E Grant St): Resolution
granting final approval to issue multifamily
mortgage revenue refunding bonds.

Trinity Apts (2800 E 31st St): Resolution
amending final approval to issue multifamily
mortgage revenue refunding bonds.

Salvage/Deconstruction Demonstration
Project: Approval of Project & authorizing
agreement w/Green Institute.

COMMUNITY DEVELOPMENT and PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (265336)
House Move Policy.

COMMUNITY DEVELOPMENT and T&PW and W&M/Budget and Z&P (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (265337)

Ryan Properties/Target Store Project (900
Nicollet Block): Amendments to Target Store
proposal including approval of schematic plans,
execution of First Amendment to Restated
Redevelopment Contract & related documents,
resolution regarding rezoning status.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (265338)

Quarterly Status Report on Pending &
Unfunded projects.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (265339)

MCDA Residential Finance Dept: Appropriation actions to address 1998 & 1999 deficits.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (265340)

Waite Park NRP Action Plan Modification #5, Near North/Willard Hay NRP Action Plan Modification #11.

Lowry Hill East NRP Action Plan Modification #2.

NRP 2000 Administration Budget.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (265341)

Employment and Training Program Projects: Program Year 1999 First Quarter Status Report for Job Training Partnership Act; Community Development Block Grant; Community Resource Program; Minnesota Family Investment Program; and Welfare to Work Programs.

METROPOLITAN VISITING NURSE ASSOCIATION (265342)

Information on services/programs.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (265343)

Year 2000 Community Resource Program: Approve plan allocations.

Child Health Assessment & Monitoring Project (CHAMP): Execute Amendment #1 to Contract with Decision Alternatives to modify scope of services to extend field survey through January 31, 2000.

Sexually Transmitted Disease Education Campaign: Execute Amendment #1 to Contract with Family Tree to continue campaign through calendar year 1999.

Pediatric Dental Services: Issue Fund Availability Notices to Children's Dental Services to provide services to low income children during calendar year 2000.

Clinic Enhancement and Health Education Services: Execute contracts and/or Issue Fund Availability Notices to community clinics to provide services in calendar year 2000.

Maternal & Child Health: Execute contracts and/or Issue Fund Availability Notices to agencies to provide services in calendar year 2000 and 2001.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (265344)

Curfew Truancy Center: Accept \$30,000 from Minnesota Department of Economic Security; Issue Fund Availability Notice to Minneapolis Urban League for center operation during calendar year 2000; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS:

COORDINATOR (265345)

New Central Library Project: Update on conditions of existing library, program objectives, pre-site building program, preliminary funding plan; Building options & preliminary cost estimates.

LIBRARY, MINNEAPOLIS PUBLIC (265346)

New Central Library Project: Vision brochure; Features of the pre-site program.

OFFICE OF THE GOVERNOR (265347)

Office of the Governor: Government Relations Department roster; The Big Plan, a 4-year strategic plan for the Ventura Administration.

INTERGOVERNMENTAL RELATIONS and TRANSPORTATION & PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (265348)

E River Parkway Extension (Main St SE to E River Parkway): Approval of layout and authorize execution of memorandum of understanding with University of Minnesota.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (265349)

Raze: 628 E 31st St.

LICENSES AND CONSUMER SERVICES (265350)

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (265351)

Safe and Sober Grant: Accept \$50,000 from Minnesota Department of Public Safety, Office of Traffic Safety, to pay overtime to Traffic Unit and Park Police to target impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety; and Approve appropriation.

Metro Gang Strike Force: Submit grant application to Minnesota Office of Drug Policy and Violence Prevention seeking \$163,440 for overtime and vehicle leasing costs to support eight officers serving on Strike Force.

REGULATORY SERVICES (265352)

Inspections Operational Review Project: Approve 88 recommendations to address seven issue areas of Customer Service; Inspections and Corrections; Information Availability; Performance Measurement and Management; Organization Structure; Noise Ordinance Enforcement; and Implementation of Recommendations; Direct staff to report back in 45 days with work and timeline to implement recommendations.

**TRANSPORTATION AND PUBLIC WORKS
(See Rep):**

**PLANNING COMMISSION/DEPARTMENT
(265353)**

Metropolitan Airports Commission (MAC) Preliminary Capital Improvement Plan for 2000-2006: Resolution offering City comments on plan.

**PUBLIC WORKS AND ENGINEERING
(265354)**

Water Main Relocation Project (2841 5th Ave S): Adopt & levy assessments.

Solid Waste Collection Point Area Cleanups: Adopt and levy assessments for unpaid charges.

Central Ave NE Street Lighting Project: Designate location and improvements to be made.

Dinkytown Bridge Construction (15th Ave SE & 4th St SE): Settlement agreement regarding McDonald's Restaurant in conjunction with state, county, McDonald's Corporation, Choate & Company and Lunda Construction.

Nicollet Mall (Washington Ave to 11th St S): Adopt assessment for special service charges.

Environmental Investigation at Equipment Facility (1809 Washington St NE): Increase contract with Peer Environmental to continue testing.

**TRANSPORTATION AND PUBLIC WORKS and
WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING
(265355)**

Midtown Greenway Trail Project: Payment to Canadian Pacific Railroad for railroad crossing project.

Flood Mitigation Program: Amendments to 2000-2006 program.

PURCHASING (265356)

Bids: OP #5242, low bids of Mooney and Company and Signcrafters for decorative tree lighting; OP #5243, low bid of Custom Products and Services for snow removal and sidewalk maintenance in the Central Ave & Hennepin-Lake special service districts; OP #5249, low bid of NSP for the Prospect Park Pedestrian Lighting Project.

WATER DEPARTMENT (265357)

Relocation of Water Facilities (E 46th to E 54th St): Execute Supplemental Agreement #1 with Minnesota Department of Transportation for relocation of watermain.

WAYS AND MEANS BUDGET:

CONVENTION CENTER (265358)

Convention Center Expansion Project: Receive & File Central Lutheran Church Window Status Report.

Convention Center Expansion Project: Receive & File Change Management Actions.

HUMAN RESOURCES (265359)

Affirmative Action: Receive & File 1999 Third Quarter Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (265360)

Settlement: Authorize payment to Lloyd Patterson.

CONVENTION CENTER (265361)

Convention Center Expansion Project: Change Order #4 w/Veit and Company, Inc.

Convention Center Expansion Project: Change Order #3 w/The Builders, Inc.

COORDINATOR (265362)

Grants Management Roles and Responsibilities Project Report: Approve.

Hennepin County Overflow Secure Waiting Facility: Contract w/Catholic Charities.

HUMAN RESOURCES (265363)

Reemployment of City Retirees: Approve policy prohibiting rehiring appointed retirees & Request that Civil Service Commission adopt same policy for classified employees.

Medica Health Intervention Pilot Study: Approve City participation.

Commissioner of Health Position: Approve reclassification to Grade 17 & Salary Ordinance.

**INFORMATION AND TECHNOLOGY
SERVICES (ITS) (265364)**

Computer Software Training Services: Amend contract w/Firststaff, Inc (Mindsharp).

Geographic Information Systems 2000, Phase II (Enterprise Deployment): Amend contract w/EMA Services, Inc.

BIIS (KIVA) Enterprise System: Contract w/Oracle Corporation.

Leased Office Space at Midland Square Building: Sign "Estoppel Certificate" confirming City's intent to honor Lease Agreement #13399 after sale of building.

PURCHASING (265365)

Bid: OP #5247, accept low bid of St. Paul Linoleum & Carpet Co. for carpet installation & removal.

RISK MANAGEMENT (265366)

Actuarial Consultant Services: Authorize issuance of RFP & negotiation w/respondents.

ZONING AND PLANNING (See Rep):

CITY CLERK/SPECIAL PERMITS

(265366.1)

7TH St S, 212 (Nordquist Sign) sign; 50th St W, 133 (Laura & David Gordon) addition to rear of home; Block E bounded by Hennepin Ave & 1st Ave N, 6th & 7th Sts N (MCDA) surface parking lot for 6 months; Franklin Ave E, 1113 (American Indian Business Development) complete building & mechanical construction; Lyndale Ave S, 2002 (John Sherrell) operate business; Lyndale Ave S, 3200 (Lawrence Sign) sign; Nicollet Ave, 2524 (Esther Granbois) operate dance studio

INSPECTIONS/BOARD OF ADJUSTMENT (265367)

Richard Johnson, 4837 30th Ave S: Deny appeal from Board of Adjustment decision denying variance to permit detached garage in front yard, with application & attachments.

INSPECTIONS/ZONING ADMINISTRATOR (265368)

Miled Soussi (Hi Lake Auto/dba Tires For Less) 3009-21 3rd Ave S: Revoke Conditional Use Permit C-1949 and Site Plan Review Permit PR-476.

Mostafa Chatraei, 3446 Bloomington Ave S: Amend Site Plan Review Permit PR-444.

PLANNING COMMISSION/DEPARTMENT (265369)

1999 Zoning Code Revision: City Clerk: Excerpts from Proceedings of City Council of 7/25/97 and 12/18/98 referring subject matter of comprehensive zoning code revision to Zoning & Planning Committee.

Planning Dept: Request introduce subject matter of Chapter 549 Downtown Districts for first reading.

Planning Commission: Proposed zoning code revision and zoning plates, are recommended by Planning Commission on 10/12/99; w/attached recommendations of Planning Department staff; Zoning Code Amendment Analysis; Minutes of Public Hearings; Resolution of Planning Commission finding obtaining of written consents impractical in the case of amending the residence, business & manufacturing zoning districts throughout the city; Summary of Planning Commission actions of 10/12/99.

Planning Dept: Recommended changes to the proposed zoning code revision, dated 11/2, 11/9 and 11/10/99; Findings related to Title 20, Chapter 525, Section 525.65 of the Minneapolis Code of Ordinances, providing for pending applications for non-compliant properties.

PLANNING COMMISSION/DEPARTMENT (265370)

1999 Zoning Code Revision: Council Member Biernat: Requested changes to proposed revision. Council Member Niland: Requested changes to proposed revision. Council Member Colvin Roy: Requested changes to proposed revision. Council Member Cherryhomes: Requested changes to proposed revision.

PLANNING COMMISSION/DEPARTMENT (265371)

Ross M Fefercorn, 1221 W Lake St & 3016-26 Emerson Ave S: Approve application for vacation resolution for northerly portion of alley in block bounded by W Lake St, Emerson & Fremont Aves S, & W 31st St, w/attachments; Summary of Planning Commission action of 10/25/99.

800 & 900 Blocks of Nicolet Mall: Conclude that Alternative Urban Areawide Review (AUAR) need not be revised, despite proposed size, scale & design changes to 900 Nicollet Project, w/attachments.

COMMITTEE OF THE WHOLE (See Rep):

PUBLIC WORKS AND ENGINEERING (265372)

Nicollet Mall Improvement, Maintenance and Operation Assessments: Adopt & levy assessments payable in 2000.

PLANNING COMMISSION:

PUBLIC WORKS AND ENGINEERING (265373)

Permission to vacate a portion of Hawthorne Ave between 9th & 10th Sts N.

MOTIONS (See Rep):

ATTORNEY (265374)

Workers Compensation: Payments to City employees.

FILED:

CITY CLERK/SPECIAL PERMITS (265375)

5th St SE, 1201 (Suburban Lighting) sign; Aldrich Av N, 2950 (MCDA) move dwelling; Emerson Av S, 3037 (Kay Graham) move garage; Franklin Av, 1845 (Creative Sign) sign; Industrial Blvd, 1330 (Arrow Sign Co) sign; Lake St W, 224 (DeMars Signs) sign; Lyndale Av S, 3241 (Alan Kvasnik) 2 garages; Marshall St NE, 2501 (Robin Tacheny) sign; Nicollet Av S, 5447-5459 (Crosstown Signs) signs; Willow St, 1382 (Mpls Park & Recreation) fireworks.

Park Upper Bluffs area adjacent to the Twin Cities International Airport, and authorizing the issuance of industrial development revenue development bonds of the City of Minneapolis therefor under Minnesota Statutes, Sections 469.152 through 469.165, as amended; referring the proposed project to the Minnesota Department of Trade and Economic Development for approval; and authorizing the preparation of necessary documents, was passed November 12, 1999 by the City Council and approved November 12, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**REPORTS OF
STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration a proposed project of Fort Snelling Academy, to be located at the Fort Snelling State Park Upper Bluffs area adjacent to the Twin Cities International Airport, which will entail the restoration of five buildings on Taylor Ave to their original exterior condition and internally equip to modern school standards to house up to 320 college preparatory high school students, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$7,500,000 in Tax-exempt and Taxable Development Revenue Bonds, Series 1999, for Fort Snelling Academy through the City of Minneapolis, as set forth in Petn No 265335.

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 12, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 16, 1999)

Resolution 99R-393, giving preliminary approval to a project on behalf of Fort Snelling Academy, to be located at the Fort Snelling State

RESOLUTION 99R-393

By Niland

Giving preliminary approval to a project on behalf of Fort Snelling Academy and authorizing the issuance of industrial development revenue development bonds of the City of Minneapolis therefor under Minnesota Statutes, Sections 469.152 through 469.165, as amended; referring the proposed project to the Minnesota Department of Trade and Economic Development for approval; and authorizing the preparation of necessary documents.

Whereas, pursuant to Sections 469.152 through 469.165 of the Minnesota Statutes (the "Act"), as amended, the City of Minneapolis (the "City"), is authorized to issue industrial development revenue bonds for the purpose of providing financing for the acquisition, construction and installation of projects consisting of real and personal properties used or useful in connection with a revenue-producing enterprise; and

Whereas, in enacting the Act the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration; and

Whereas, other factors necessitating such active promotion and development of industry and commerce within the City are the increasing movement of population and business to suburban

areas, the steady and rapid increase in the amount and cost of governmental services required to meet the needs of the City and the need for more intensive development and use of land within the City to provide an adequate tax base to finance these costs; and

Whereas, the promotion, attraction, encouragement and development of economically sound industry and commerce provides employment opportunities for residents of the City and requires the City to provide services to the community including schools available to the public; and

Whereas, Fort Snelling Academy, a Minnesota nonprofit corporation and FSA Building Company, a Minnesota nonprofit corporation (collectively, the "Borrower") have proposed to lease from the Minnesota Department of Natural Resources five historic buildings known as Numbers 57, 64, 65, 66 and 67 located on Taylor Avenue in the Fort Snelling State Park Upper Bluffs near the intersection of State Highways 55 and 5 adjacent to the Twin Cities International Airport which buildings will be renovated for use as a public (charter), college preparatory school for grades 9 through 12 (the "Project"); and

Whereas, the Borrower has proposed that the City issue one or more series of its industrial development revenue bonds (the "Bonds") for the purpose of financing the Project, including certain incidental expenses thereto, in an approximate aggregate principal amount of \$7,500,000 and the proposal calls for the proceeds realized upon the sale of the Bonds to be applied by the Borrower pursuant to a revenue agreement wherein the Borrower will be obligated to renovate and equip the Project and to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City incident to the issuance and sale of the Bonds; and

Whereas, the City has been advised by representatives of the Borrower that conventional, commercial financing to pay the capital cost of the Project has not been obtained and is available only on a limited basis and at such high costs and on such terms of borrowing that the economic feasibility of constructing and operating the Project would be significantly impaired and could not be undertaken but for the availability of tax-exempt financing and the lower borrowing cost resulting therefor; and

Whereas, the proposed Project consists of real and personal properties to be used in a revenue-producing enterprise, as authorized by the Act; and

Whereas, the undertaking of the proposed Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by encouraging the location and retention of revenue-producing enterprises within the City and surrounding area, by providing additional educational facilities in the City. The Project will also provide up to 50 additional employment opportunities for residents of the City and surrounding area, and stimulate the development and redevelopment of underutilized lands within the City and surrounding area; and

Whereas, the full faith and credit of the City will not be pledged or responsible for the Project or for the payment of the principal of, premium, if any, and interest on the Bonds.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the undertaking of the Project and the issuance by the City of its Bonds pursuant to the Act, in an approximate aggregate principal amount of \$7,500,000 to finance the costs thereof, all as referred to above, is hereby authorized and approved by the City, subject to the approval of the Project by the Minnesota Department of Trade and Economic Development ("DTED") under the Act, and to the agreement of the City, the Borrower and the purchaser of the Bonds on the detailed terms and conditions on which the Project will be acquired and constructed and the Bonds will be issued, sold and secured. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988.

Be It Further Resolved that in accordance with the Act, the Mayor, President, City Council, Finance Officer, City Clerk are hereby authorized and directed to submit the proposal for undertaking the Project to DTED requesting approval of the Project. The Mayor, President of this Council, Finance Officer, City Clerk and the City Attorney and other officers, employees and agents of the City are hereby authorized to provide DTED such preliminary information as may be required for this purpose. The City Attorney is also authorized in cooperation with Briggs and Morgan, P.A., as bond counsel, to initiate preparation of such

documents as may be appropriate to the Project, in order that, when and if the Project is approved by DTED, it may be carried forward expeditiously.

Be It Further Resolved that the adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Borrower. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue any Bonds to finance the Project at any time prior to the adoption of the resolution authorizing the issuance of such Bonds should the City so determine.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 12, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 16, 1999)

Comm Dev - Your Committee, having under consideration the matter of issuing revenue refunding bonds on behalf of Portland House Limited Partnership to lower their interest rate and debt service obligation on the Grant Street Apartments Project at 515 E Grant St, and the Council having granted preliminary approval to issue such bonds on July 30, 1999, now recommends passage of the accompanying resolution granting final approval to issue up to \$3,550,000 in Multifamily Mortgage Revenue Refunding Bonds for The Grant Street Apartments Project, as set forth in Petn No 265335.

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-394, authorizing the issuance of Multifamily Housing Revenue Refunding Bonds for the Grant Street Apartment Project, Series 1999A and its Taxable Multifamily Housing Revenue Refunding Bonds (Grant Street Apartment Project, 515 E Grant St), Series 1999B, in an aggregate principal amount not to exceed \$3,550,000, and approving and authorizing the execution of various documents in connection

therewith, was passed November 12, 1999 by the City Council and approved November 18, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 99R-394
By Niland

Authorizing the issuance of Multifamily Housing Revenue Refunding Bonds for the Grant Street Apartment Project, Series 1999A and its Taxable Multifamily Housing Revenue Refunding Bonds (Grant Street Apartment Project), Series 1999B, in an aggregate principal amount not to exceed \$3,550,000, and approving and authorizing the execution of various documents in connection therewith.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes Chapter 462C (the "Act") a city is authorized to carry out programs for the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and

Whereas, the City Council (the "City Council") of the City of Minneapolis (the "City") has prepared the Housing Plan for Local Housing for the City of Minneapolis, Minnesota, revised June, 1984 (the "Plan") which Plan was adopted pursuant to the Act on July 13, 1984; and

Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing; and

Whereas, the Minneapolis Community Development Agency has previously issued its Multifamily Housing Revenue Note (Portland Housing Project), Series 1984 (the "Series 1984 Note") to finance the acquisition by Portland House Limited Partnership, a Minnesota limited partnership (the "Owner") of the Grant Street Apartment Project, an 84-unit multifamily rental facility located at 515 East Grant Street in the City (the "Project"); and

Whereas, there has been proposed a program (the "Program") for the issuance of bonds to refund the Series 1984 Note; and

Whereas, the City on July 19, 1999 did conduct a public hearing on the Program; and

Whereas, by Resolution 99R-259 adopted July 30, 1999, the City gave its preliminary approval to the issuance of the bonds to finance the Program; and

Whereas, the City desires to facilitate the development of rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the preservation of housing facilities designed for occupancy by persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and

Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and

Whereas, this City Council has been advised that conventional, commercial financing to pay the capital costs of the Program is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but the City Council has been further advised that with the aid of municipal financing and resulting low borrowing costs, the Project is economically more feasible; and

Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City as stated in the Plan; and

Whereas, the Program is to be financed from the proceeds of Multifamily Housing Revenue Refunding Bonds (Grant Street Apartment Project), Series 1999A (the "Series 1999A Bonds"), and Taxable Multifamily Housing Revenue Refunding Bonds (Grant Street Apartment Project), Series 1999B (the "Series 1999B Bonds," and together with the Series 1999A Bonds, the "Bonds"), in the aggregate principal amount not to exceed \$3,550,000, to be issued by the City, and the revenues from the Project (as defined below) shall be pledged for the security of and payment for the Bonds (except as may be otherwise set forth in the Indenture hereinafter referred to); and

Whereas, the Bond proceeds will be used by the City to provide for funding of a loan (the "Loan") to the Owner to finance the refunding of the Series 1984 Note; and

Whereas, the Bonds will be issued under an Indenture of Trust (the "Indenture"), and the proceeds of the Bonds will be loaned to the Owner pursuant to a Loan Agreement (the "Loan Agreement"), and the Bonds will be secured by a pledge of all rights and revenues derived by the City from the Loan Agreement (except certain retained rights of the City) and by a mortgage of the real and personal property comprising the Project pursuant to the hereinafter-defined Mortgage and said Bonds and the interest on said Bonds shall be payable solely from the revenues pledged therefor and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in said Project; and

Whereas, forms of the following documents (including the exhibits referred to therein) have been submitted to the City:

a. The Indenture to be made and entered into between the City and the trustee named therein (the "Trustee"), providing for the issuance of the Bonds, prescribing the form thereof, pledging the trust estate described therein for the security of the Bonds, and setting forth proposed recitals, covenants and agreements by the parties with respect thereto.

b. The Loan Agreement to be made and entered into between the City and the Owner, providing for the loan of the proceeds of the Bonds to the Owner, and for the repayment of such loan.

c. The Bond Purchase Agreement, to be dated as of the date of execution thereof (the "Bond Purchase Agreement"), by and among the City, the Owner and U.S. Bancorp Piper Jaffray Inc. (the "Underwriter") providing for the purchase of the Bonds by the Underwriter.

d. A Combination Mortgage, Security Agreement and Fixture Financing Statement from the Owner to the City and assigned to the Trustee (the "Mortgage").

e. A Preliminary Official Statement (the "Preliminary Official Statement").

The agreements described and referred to in paragraphs a through d above shall hereinafter sometimes be referred to collectively as the "Agreements;"

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it is hereby found, determined and declared that:

a. The preservation of the quality of life in the City is dependent upon the maintenance, provision, and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers of housing units in the City are either unable to afford mortgage credit at present market rates of interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted.

b. The development and implementation of the Program, and the issuance and sale of the Bonds by the City, and the execution and delivery of the Agreements and the performance of all covenants and agreements of the City contained therein and of all other acts and things required under the Constitution and Laws of the State of Minnesota to make the Agreements and the Bonds valid and binding obligations of the City in accordance with their terms, are authorized by the Act.

c. The implementation of the Program for the purposes and in the manner contemplated by the Agreements conforms or will conform to all pertinent statutes, regulations and ordinances of the State of Minnesota and the City.

d. It is desirable that the Bonds in the principal amount not to exceed \$3,550,000 be issued by the City, on the terms set forth in the Indenture and the Bond Purchase Agreement.

e. The payments required or provided for by the Agreements are intended to produce income and revenues sufficient to provide for the payment when due of principal of and interest on all Bonds issued under the Indenture, and payments are required to be made for such expenses of, among other things, administration of the Program, as will be necessary to protect the interests of the City and the Trustee.

f. Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds shall be retired solely from the revenues of the Project.

Be It Further Resolved that the Agreements in substantially the forms submitted to the City at this meeting are hereby approved. Such of the documents as require the execution of the City are hereby authorized and directed to be executed or accepted, as the case may be, and delivered in the name and on behalf of the City by its Mayor, City Clerk and Finance Officer upon execution thereof by the parties thereto as appropriate. The

Bonds and the Agreements shall be executed and delivered as provided therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Agreements shall be delivered, filed and recorded as provided herein and in the Agreements.

Be It Further Resolved that the form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall not be, in the opinion of the City's legal counsel and the Mayor, materially adverse to the interests of the City. The execution and delivery of the Agreements as provided above shall be conclusive evidence of the determination that any such variance was not materially adverse to the interests of the City.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, in two series in the aggregate principal amount not to exceed \$3,550,000, which issuance is approved, substantially in the forms and upon the terms set forth in the Indenture, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Indenture), bear interest and be payable at the rates, all determined as set forth in the Indenture, provided that such rates shall result in an average coupon rate not greater than 8% per annum for the tax-exempt Series 1999A Bonds, and not greater than 11% per annum for the taxable Series 1999B Bonds. The City may at its option issue additional bonds at a later date to be used to pay or reimburse costs of the Project not paid from the proceeds of the Bonds, in a principal amount not to exceed the amount set forth in the Program.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the Program are hereby approved, ratified and confirmed.

Be It Further Resolved that the sale of said Bonds to the Underwriter to be determined is hereby approved, and the Bonds are hereby directed to be sold to the Underwriter, upon the terms and conditions set forth in the Bond Purchase Agreement. The Mayor, City Clerk and Finance Officer of the City are hereby authorized and directed to prepare and execute by manual or facsimile signature the Bonds as described in the Indenture and to deliver them to the Trustee (which is herein designated as the authenticating

agent under Minnesota Statutes, Section 475.55) for authentication and delivery to the Original Purchaser, together with a certified copy of this resolution, and the other documents required by the Indenture.

Be It Further Resolved that the Mayor, City Clerk, Finance Officer and other officers of the City are authorized and directed to prepare and furnish when the Bonds are issued, certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates (including but not limited to those required by bond counsel) as may be required to show the facts relating to the legality, tax exemption and marketability of the Bonds as such facts appear from the books and records in said officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements made by the City and contained therein. The Mayor, City Clerk, Finance Officer and said officers are further authorized to execute such additional documents as shall be determined by the Mayor to be necessary and desirable to provide for the issuance of the Bonds.

Be It Further Resolved that the Mayor, City Clerk, Finance Officer and other officers of the Issuer consent to the distribution of the Preliminary Official Statement relating to the Bonds, substantially in the form on file with the Issuer. The Mayor, City Clerk, Finance Officer and said officers further consent to the use by the Underwriter in connection with the sale of the Bonds of a final Official Statement, substantially in the form of the Preliminary Official Statement described above. The Preliminary Official Statement and the Official Statement are the sole materials consented to by the Mayor, City Clerk, Finance Officer and said officers for use in connection with the offer and sale of the Bonds. The Mayor, City Clerk, Finance Officer and said officers have not participated in the preparation thereof, have not made any independent investigation of the information contained therein and shall have no liability in connection with the contents of or use of such offering materials.

Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants,

stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project or the proceeds of the Bonds which are to be applied to the payment of the Bonds, as provided therein and in the Indenture. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this

resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provision hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Bonds issued under the provisions of this resolution.

Be It Further Resolved that in case any one or more of the provisions of this resolution, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Be It Further Resolved that the Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Bonds and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that in the event any of the officers of the City authorized to execute documents on behalf of the City under this resolution shall have resigned or shall for any reason be unable to do so, any member of the City, or officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this resolution.

Be It Further Resolved that this Resolution shall take effect immediately.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee, having under consideration a revision to the financing terms for the revenue refunding bonds issued on behalf of Trinity Apartments Corporation (approved July 30, 1999), which refinanced the existing revenue bond in order to achieve a lower interest rate and provide approximately \$520,000 for rehabilitation of the Trinity Apartments at 2800 E 31st St, now recommends passage of the accompanying resolution revising the final approval of up to \$5,525,000 in Multifamily Mortgage Revenue Refunding Bonds for The Trinity Apartment Project, which extends the term of the bonds to 2021 and reflects a different interest rate (Petn No 265335).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-395

By Niland

Supplementing Resolution 99R-260, passed July 30, 1999, concerning Multifamily Housing Revenue Refunding Bonds for the Trinity Apartments Project.

Whereas, by Resolution 99R-260 adopted by this City Council on July 30, 1999, and approved by the Mayor on August 5, 1999, the City of Minneapolis (the "City") has approved the issuance of its Multifamily Housing Revenue Refunding Bonds (Trinity Apartments Project), Series 1999 (the "Bonds") for the purposes of refunding certain outstanding bonds issued to finance the acquisition of the Trinity Apartment Project (the "Project") and financing certain rehabilitation and improvement to the Project; and

Whereas, the terms of the Bonds, as now proposed to be issued and sold, vary from the terms previously approved;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the approval and authorization of the issuance of the Bonds is hereby affirmed, such Bonds to bear interest at rates to be determined, provided that such rates shall result in average

coupon rates not greater than 7.00% per annum for the tax-exempt Series 1999A Bonds, and not greater than 9.50% per annum for the taxable Series 1999B Bonds.

Be It Further Resolved that this Resolution shall take effect immediately.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee, having under consideration a proposed salvage/deconstruction demonstration project, which will grant access to City or Minneapolis Community Development Agency (MCDA)-owned residential structures that are scheduled for demolition for the purpose of removing building materials, now recommends:

a) Approval of the demonstration project described in Petn No 265335;

b) That the MCDA, as agent for the City, be authorized to enter into an agreement with the Green Institute in substantially the form attached to the Petition if staff select a City-owned site for the demonstration project;

c) That the proper City officers be authorized to execute a bill of sale and any other necessary documents; and

d) That this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **PUBLIC SAFETY & REGULATORY SERVICES** Committees submitted the following report:

Comm Dev & PS&RS - Your Committee, having under consideration the report and recommended guidelines on house moves from the Coordinated Action Program team, now recommends adoption of the House Move Policy, and that the proper City and Minneapolis Community Development Agency staff be directed to complete related activities, as set forth in Petn No 265336.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT, TRANSPORTATION & PUBLIC WORKS, WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following report:

Comm Dev, T&PW, W&M/Budget & Z&P -

Your Committee, having under consideration a request by the Minneapolis Community Development Agency (MCDA) to amend the Amended and Restated Contract for Private Redevelopment dated December 28, 1998 and related documents to accommodate a new design for the redevelopment of Block 34, a/k/a the 900 Nicollet Block, by Ryan Properties, Inc., as assigned to Ryan 900, LLC, for the Target Store Project, now recommends:

Comm Dev, T&PW, & Z&P -

a) Concurrence with the approval of the "100% Schematic Plans, dated October 8, 1999, as revised October 15, 1999, with elevations dated October 19, 1999" by the Director of Planning and the MCDA Executive Director;

b) That the proper City and MCDA officers be authorized to execute amendments to the Amended and Restated Contract for Private Redevelopment dated December 28, 1998 by and among the MCDA, the City of Minneapolis and Ryan Properties, Inc., as assigned to Ryan 900, LLC, together with any related documents (the "Contract Documents"), consistent with the terms attached to Petn No 265337 as Exhibit A;

c) That Public Works staff be directed to narrow the 10th St right-of-way by 4 feet to increase the sidewalk available for the project to 12 feet and establish No Parking on the north side of 10th St between the Nicollet Mall and LaSalle Ave;

d) That this action be transmitted to the Board of Commissioners of the MCDA;

e) Passage of the accompanying resolution resolving the zoning status of the 900 Nicollet block and project.

W&M/Budget - Concurrence with recommendations (a) through (d) and that the appropriate City staff be directed to provide a revised, final resolution relating to the zoning status of the 900 Nicollet block and project.

Niland moved to amend the report by approving the Ways & Means/Budget Committee recommendation. Seconded.

Adopted upon a voice vote.

Niland moved to amend the Ways & Means/Budget Committee recommendation by adding (e) and (f) as follows:

“(e) Passage of the accompanying substitute resolution resolving the zoning status of the 900 Nicollet block and project; and

(f) That staff be directed to incorporate the provisions of the resolution into the amendment of the Development Contract as a representation and warranty of the City to the other parties to the Development Contract.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-396

By Niland, McDonald, Mead, Campbell

Resolving the zoning status of the 900 Nicollet Mall Block.

Whereas, the City of Minneapolis is a party to that certain *Amended and Restated Contract for Private Development By and Among the Minneapolis Community Development Agency, The City of Minneapolis and Ryan Properties, Inc.* dated on or as of the 28th day of December, 1998, as that contract may be amended from time to time (“Development Contract”); and

Whereas, the City of Minneapolis, by separate action on this day, is authorizing an amendment of the Development Contract; and

Whereas, pursuant to Article V of the Development Contract, the City of Minneapolis has approved the Plans (as defined in the Development Contract) for the development of the 900 Nicollet Project in accordance with the 1963 zoning code and zoning maps; and

Whereas, the Zoning & Planning Committee of the City Council of Minneapolis on November 2, 1999 recommended adoption of a new citywide zoning code and zoning maps (“New Code”) to replace substantially all of the 1963 zoning code and zoning maps; and

Whereas, it is in the best interests of the City of Minneapolis for development of the 900 Nicollet Project to proceed as contemplated by the Development Contract prior to adoption of the New Code;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That the City Council hereby declares its intent to include the following provision in Section 520.50(b) of the New Code:

(b) *Exceptions.* Where a building permit (or a grading or earth retention permit for construction of a building) has been issued and all required environmental approvals have been received for the establishment, construction, alteration, expansion, relocation or intensification of any structure or use prior to the effective date of this zoning ordinance, such action may be completed in accordance with the regulations of the 1963 zoning code, provided the use is established, or construction or excavation is begun within ninety (90) days of such date and proceeds on a continuous basis toward completion, and subject thereafter to the regulations of Chapter 531, Nonconforming Uses and Structures.

2. That this Resolution is adopted for the benefit of the Minneapolis Community Development Agency, as the owner of the Redevelopment Property (as defined in the Development Contract), and its successors and assigns as the owners of each Project Element and their respective parcels, and may be relied upon by such parties for the purpose of entering into an amendment of the Development Contract and certain ancillary agreements and commencing construction of the 900 Nicollet Project.

3. For purposes of this project, the term “continuous” as used in section 520.50(b) of the City’s 1999 Zoning Code means that if a permit has been issued and all required environmental approvals have been received for the project which may be constructed in phases, commencement and completion of the first phase fulfills the requirements (a) for the first phase as a separate project, and (b) for any subsequent phase if the subsequent phase, whenever constructed substantially conforms to the plans approved by the City and the Minneapolis Community Development Agency under this contract.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution amending various Minneapolis Community Development Agency (MCDA) funds and creating a new fund to cover 1998 and 1999 deficits in the MCDA's Residential Finance Department housing programs, as set forth in Petn No 265339, as follows:

a) Creating a new Fund SFA0 (Housing Finance) with an appropriation of \$766,137 and revenue of \$394,137 (3850 Trans from Enterprise Funds) and revenue of \$372,000 (3335 Loan Origination Fees);

b) Decreasing the appropriation in Fund EHR0 (Home Ownership & Renovate) by \$955,710;

c) Increasing the appropriation in Fund EHO0 (Housing Ownership) by \$955,710;

d) Increasing the appropriation in Fund ELG0 (Loan & Grant Programs) by \$123,000; and

e) Reallocation of \$250,000 in Fund SDA0 (Development Account) presently designated for the Employee Mortgage Program to Residential Finance Support.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-397
By Niland and Campbell

Amending The 1999 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Creating a new Fund SFA0 - Housing Finance with appropriation of \$766,137 and revenue estimate of \$394,137 (3850 Trans from Enterprise Funds) and revenue estimate of \$372,000 (3335 Loan Origination Fees);

b) Decreasing the appropriation in Fund EHR0 - Home Ownership & Renovate by \$955,710;

c) Increasing the appropriation in Fund EHO0 - Housing Ownership by \$955,710 from available fund balance;

d) Increasing the appropriation in Fund ELG0 - Loan & Grant Programs by \$123,000 from available fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the Waite Park Neighborhood Action Plan Modification #5, which includes use of NRP funds for Waite Park Elementary School upgrades, Waite Park Community Center improvements, NRP activity education, the home improvement rebate program and the Northeast Library, as set forth in Petn No 265340, now recommends:

1. That Modification #5, and specifically those parts of the Plan which fall under City jurisdiction, be approved;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR0) by \$200,627;

3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in the Plan Modification; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-398
By Niland and Campbell

Amending The 1999 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR0 - NRP Program by \$200,627 from projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the Near North/Willard Hay Neighborhood Action Plan Modification #11, which reallocates funds from three strategies in the Economic Development section of the plan to one existing and four new strategies in the Economic Development Section of the plan, as set forth in Petn No 265340, now recommends:

1. That Modification #11, and specifically the new strategies being created by this modification, be approved;

2. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in the Plan Modification; and

3. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the Lowry Hill East Neighborhood Action Plan Modification #2, authorizing additional funding for one new strategy involving installation of pedestrian lighting and one existing strategy for enhancing improvements at Mueller Park, as set forth in Petn No 265340, now recommends:

1. That Modification #2, and specifically those parts of the Plan which fall under City jurisdiction, be approved;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR0) by \$552,850;

3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in the Plan Modification; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-399

By Niland and Campbell

Amending The 1999 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR0 - NRP Program by \$552,850 from projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the NRP 2000 Administrative Budget, now recommends:

Comm Dev -

1. Approval of the 2000 NRP Administrative Budget as set forth in Petn No 265340;

2. That \$1,995,505 be appropriated in the Minneapolis Community Development Agency's (MCDA) 2000 budget request for Fund CNR0 (NRP Program) and that the MCDA immediately transfer \$1,995,505 to the NRP's City of Minneapolis Fund 230;

3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in the administrative budget; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

W&M/Budget - That the 2000 NRP Administrative Budget be referred to the budget process.

Niland moved to amend the report by deleting the Community Development Committee recommendation and approving the Ways & Means/Budget Committee recommendation. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee, having under consideration the Year 2000 Community Resource Program Plan, now recommends adoption of the Plan allocations totaling \$252,521, as shown in Petn No 265343 on file in the Office of the City Clerk.

Your Committee further recommends that the Domestic Abuse Project continue to receive funding in the Year 2000, in the amount of \$150,000, to provide services to multi-assault victims and "Gone on Arrival" cases.

Your Committee further recommends that the proper City Officers be authorized to submit the Year 2000 Community Resource Plan to the State of Minnesota.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

NOT APPROVED BY THE MAYOR.

Attest: M. Keefe, City Clerk.

CITY OF MINNEAPOLIS
CERTIFICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss
CITY OF MINNEAPOLIS)

I, MERRY KEEFE, City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a report of the

Health & Human Services Committee relating to Year 2000 Community Resource Program Plan, as acted upon by the City Council of Minneapolis, Minnesota, and designated as "Not Approved by the Mayor", for her approval and signature as such Mayor; that Mayor Sayles Belton did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the City Charter, said action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 19th day of November, 1999.

MERRY KEEFE, City Clerk.

H&HS - Your Committee, having under consideration the Child Health Assessment & Monitoring Project (CHAMP), now recommends that the proper City Officers be authorized to execute Amendment #1 to Contract #14461 with Decision Alternatives to modify the scope of services to extend the field survey period through January 31, 2000. (Petn No 265343)

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee, having under consideration the Sexually Transmitted Disease Education Campaign that targets at-risk youth, now recommends that the proper City Officers be authorized to execute Amendment #1 to Contract #13309 with Family Tree Inc, adding \$22,500 to the contract for a new total amount of \$48,500, to continue the campaign during the period November 1 through December 31, 1999, payable from the Health Department (010-440-4413).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 12, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 16, 1999)

H&HS - Your Committee recommends that the proper City Officers be authorized to issue the

following Fund Availability Notices to Children's Dental Services to provide dental services to low income Minneapolis children at ten inner city schools and HeadStart facilities during the period January 1 through December 31, 2000:

a. FAN #Y3-1, in the amount of \$90,000, payable from Neighborhood Services (030-860-8623);

b. FAN #Y4-1, in the amount of \$19,094, payable from Neighborhood Services (040-860-8623).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee recommends that the proper City Officers be authorized to execute contracts and/or issue Fund Availability Notices with the following community clinics to provide clinic infrastructure enhancement and health education services to Minneapolis residents during the period January 1 through December 31, 2000, payable from Neighborhood Services (010-860-8623):

a. Indian Health Board of Minneapolis, in the amount of \$23,000;

b. Glenwood Lyndale Community Center, in the amount of \$23,000; and

c. Cedar Riverside People's Center, in the amount of \$23,000.

d. FAN #Y1-1 with the Neighborhood Involvement Program (through the Uptown Community Clinic), in the amount of \$23,000;

e. FAN #Y1-1 with Children's Health Services (through Teen Age Medical Services), in the amount of \$23,000;

f. FAN #Y1-1 with Fremont Community Health Services, Inc., in the amount of \$23,000.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee recommends that the proper City Officers be authorized to execute contracts and/or issue Fund Availability Notices with the following agencies to provide maternal and child health services to low income and at risk women and children in Minneapolis, payable from

Neighborhood Services (030-860-8623), contingent upon adoption of the Year 2000 budget and the availability of Maternal and Child Health Special Project funding:

a. Neighborhood Health Care Network, in the amount of \$50,000, for the period January 1 through December 31, 2000;

b. FAN #Y3-1 with Fremont Community Health Services, Inc, in the amount of \$90,000, for the period January 1, 2000 through December 31, 2001;

c. FAN #Y3-1 with the Minneapolis Public Schools, in the amount of \$40,000, for the period January 1, 2000 through December 31, 2001;

d. FAN #Y3-1 with the Greater Minneapolis Council of Churches (through its Division of Indian Work), in the amount of \$60,000, for the period January 1, 2000 through December 31, 2001;

e. FAN #Y3-1 with Plymouth Christian Youth Center, in the amount of \$40,000, for the period January 1, 2000 through December 31, 2001;

f. FAN #Y3-1 with Children's Health Care (through Teen Age Medical Services), in the amount of \$90,000, for the period January 1, 2000 through December 31, 2001;

g. FAN #Y3-1 with Neighborhood Involvement Program (through the Uptown Community Clinic), in the amount of \$40,000, for the period January 1, 2000 through December 31, 2001.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee, having under consideration the Curfew Truancy Center, now recommends the following:

a. that the proper City Officers be authorized to accept \$30,000 from the Minnesota Department of Economic Security continue operations at the Center through December 31, 2000;

b. that the proper City Officers be authorized to issue Fund Availability Notice #Z8-1 under Master Contract #10001 with the Minneapolis Urban League, in the amount of \$28,500, to operate the Center for the period January 1 through December 31, 2000, payable from Neighborhood Services (030-860-8605); and

c. passage of the accompanying Resolution appropriating \$30,000 to Neighborhood Services to reflect receipt of said operational funding for the Center.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-400
By Herron and Campbell

Amending The 1999 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Neighborhood Services Agency in the Grants - Federal Fund (030-860-8605) by \$30,000 and increasing the Revenue Source (030-860-8605 - Source 3210) by \$30,000.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The INTERGOVERNMENTAL RELATIONS AND TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:

IGR & T&PW - Your Committee, having under consideration the proposed East River Parkway Extension from Main St SE (at 6th Av SE) to existing East River Parkway on the University of Minnesota (U of M) campus, now recommends approval of Layout 2A, dated February 1999; and further recommends that the proper City officers be authorized to execute a Memorandum of Understanding between the City and the U of M, under which both parties would commit not to take any action that would preclude implementation of Option 2A. (Petr No 265348)

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Porter's Bar & Grill Inc, dba Porter's Bar & Grill, 2647 Nicollet Av, for an On-Sale Liquor Class E with Sunday Sales License (new owner from Peanuts Pub & Chili) to expire October 1, 2000, now recommends that said license be granted, subject to receipt of documents assigning the lease to the applicant, final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 12, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 16, 1999)

PS&RS - Your Committee, having under consideration the application of City Cafe LLC, dba City Cafe, 123 N 3rd St for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2000, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 12, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 16, 1999)

PS&RS - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire January 1, 2000

2538 Central Corporation, dba Central Avenue Liquors, 2538 Central Av NE;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 1999

International Catering Inc, dba Atrium Cafe at International Market Square, 275 Market St (November 18, 1999, 5:30 p.m. to 9:30 p.m., Fashion Group);

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2000

International Catering Inc, dba Atrium Cafe at International Market Square, 275 Market St

(November 5, 1999, 5:00 p.m. to 8:00 p.m., Minnesota Justice Foundation);

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2001

T H S Hotel Operations Inc, dba Crown Plaza Northstar Hotel, 618 2nd Av S;

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2001

Lyamar Inc, dba Lyon's Pub, 16 S 6th St, ground floor;

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2001

Historic Theatre Group Ltd, dba Historic Orpheum Theatre, 910 Hennepin Av;

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2000

B & A Restaurant Corporation, dba Ping's Szechuan Bar & Grill, 1401 Nicollet Av (internal transfer of shares/corporate name change);

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2001

Restaurant Properties Inc, dba Figlio's, 3001 Hennepin Av #301A;

Bigsby Enterprises, Ltd, dba Bigsby's Cafe, 701 4th Av S;

Zelo Inc, dba Zelo, 831 Nicollet Mall;

Temporary On-Sale Liquor

Make-A-Wish Foundation of Minnesota, 5155 E River Rd (November 19, 1999, 6:30 p.m. to 9:00 p.m. at Gaviidae Common/Saks Wing for Wine Tasting Fundraiser).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of November 12, 1999, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 265350):

Amusement Devices; Place of Amusement Class B-1; Place of Amusement Class B-2; Bed & Breakfast Facility; Building Contractor Class A; Building Contractor Class B; Car Wash; Cement Finisher; Contractor/Masonry Class A; Check Cashing Facilities; Christmas Tree; Dry Wall Contractor; Fire Extinguisher Class A; Fire Extinguisher Class B; Grocery; Food Manufacturer; Restaurant; Short-Term Food

Permit; Seasonal Short Term Food Establishment; Vending Machines; Gasoline Filling Station; Heating, Air Conditioning, Ventilation Installer Class A; Hospital; Hotel; Lodging with Boarding House; Musical Juke Box; Motor Vehicle Dealer - Used Only; Motor Vehicle Wholesaler; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Access Use; Commercial Parking Lot Class A; Pet Shop; Exhibition Operator Class A; Solid Waste Hauler; Suntanning Facilities; Taxicab - Limited; Taxicab Vehicle; Theater - Zone I; Theater - Zone II; Theater - Zone III; Tradesman-Combination.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Class B

Catholic Eldercare Inc, 817 Main St NE (Site: Cardinal Restaurant & Bar, 2920 E 38th St);

Catholic Eldercare, Inc, 817 Main St NE (Site: Elsie's Liquor Lounge, 729 NE Marshall);

Gambling Lawful Exempt

Church of St Anne, 2627 Queen Av N (bingo and raffle, November 7, 1999); Goldbrick Club, 1811 University Av NE (raffle, December 12, 1999 at Minneapolis Police Federation Hall, 1811 University Av NE);

Metropolitan Visiting Nurses Association, 2021 E Hennepin (raffle, November 19, 1999 at Minneapolis Marriott City Center).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Commercial Class "A" Parking Lot License held by Allied Parking, 800 S 9th St, and having held a Technical Advisory Committee hearing on September 21, 1999 as a result of activities that occurred on the parking lot premises located at 410-14 Hennepin Av that are in violation of Minneapolis Code of Ordinances, Chapter 319,

as set forth in the Findings of Fact, Conclusions and Recommendations, now recommends adoption of the following recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference:

a. acceptance of the proposal by Allied Parking to remedy the problems at the lot, as described in the Conclusions section of said Findings;

b. that Mr. Maupin of Allied Parking and Officer Frye of the Police Department, Downtown Command, meet again on November 16, 1999 to evaluate security modifications, in order to determine what changes or additions are needed to successfully secure the Allied Parking lot.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the property located at 628 E 31st St which has been determined to constitute a nuisance condition, in accordance with the provisions of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City officers be authorized to raze said property legally known as Lot 2, Block 1, Park Place Addition to Minneapolis (PID #02-028-24-22-0138), as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a Safe and Sober grant award of \$50,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety, to pay for officer overtime in the Traffic Unit and Park Police to increase enforcement targeting of impaired drivers, juvenile

and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety.

Your Committee further recommends passage of the accompanying Resolution appropriating \$50,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-401

By Biernat and Campbell

Amending The 1999 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT15) by \$50,000 and increasing the Revenue Source (030-400-DT15 - Source 3210) by \$50,000.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to submit a grant application to the Minnesota Office of Drug Policy and Violence Prevention seeking \$163,440 under the grants to expand local capacity to combat gangs to fund overtime and vehicle leasing costs to support eight officers to serve on the Metro Gang Strike Force.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having received the report of the Inspections

Operational Review Project Team which focused its review on four service areas within the Inspections Division, now recommends approval of the 88 recommendations contained in the seven issue areas of Customer Service; Inspections and Corrections; Information Availability; Performance Measurement and Management; Organization Structure; Noise Ordinance Enforcement; and Implementation of Recommendations, as fully set forth in Petn No 265352 on file in the Office of the City Clerk.

Your Committee further recommends that staff be directed to develop a work plan and a timeline for implementation of said recommendations, with a report back to the Committee in 45 days.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee recommends that the following employees of the Public Works Engineering Services, GIS Print Room, be recognized for their excellent efforts in providing geographic information system products to citizens:

Steve Hoium, Manager

Meseret Wolana

Beth Blasingame

Ahmed Omar

Your Committee further recommends that congratulations be offered to said employees for their receipt of a Certificate of Commendation from the Governor of the State of Minnesota for their services.

The report was received and filed.

T&PW - Your Committee, having under consideration a request to relocate the water main at 2841 Fifth Av S, now recommends passage of the accompanying Resolution adopting the assessment, levying the assessment and adopting the assessment roll for the water main relocation as set forth in Petn No 265354.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-402

By Mead

Adopting the assessment, levying the assessment and adopting the assessment roll for the water main relocation to be assessed against property identified as 2841 5th Av S, Property ID No 34-029-24-44-0142 as set forth in Petn No 265354.

Whereas, a public hearing was held on November 4, 1999 to consider the proposed assessment as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessments against the affected property set forth in Petn No. 265354 in the total amount of \$10,113.00 and as shown on the proposed assessment roll on file in the Office of the City Clerk be and hereby is adopted and levied and that the City Clerk is hereby directed to transmit certified copies of said assessment roll to the Hennepin County Auditor.

Be It Further Resolved that the assessment be collected in 20 equal annual principal installments on the real estate tax statement starting on the 2000 property tax statement with interest charged at an interest rate of 5%.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends that the proper City officials be authorized to enter into a settlement agreement with the State of Minnesota, County of Hennepin, McDonald's Corporation, Choate and Company, Inc, and Lunda Construction Company for an amount not to exceed \$700,000 total for the McDonald's restaurant building settlement related to the 4th St and 15th Av SE intersection bridge construction. The settlement is to be funded by 80% federal funds, 10% County State Aid funds, and 10%

Minneapolis Municipal State Aid funds. Funds are available in the 15th Av SE Bridge project (4100-937-9386).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends passage of the accompanying Resolution adopting the assessment roll for service charges to be imposed for collection in 2000 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-403

By Mead

Adopting the assessment roll for service charges to be imposed for collection in 2000 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.

Whereas, Resolution 89R-412 passed September 29, 1989 established the annual amount of service charges to be charged to properties in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project to be \$888,191; and

Whereas, the annual amount of the service charges for payable 1990, 1991, 1992 and 1993 was \$888,191; and

Whereas, refunding bonds were issued in July, 1993 for the New Nicollet Mall Reconstruction Project with the annual amount of service charges to the district being reduced for payable 1994, 1995 and 1996 to \$680,000, said reduced annual amount reflecting the allocated share of the interest savings generated by the said refunding bonds, all as recited in Resolution 93R-430 passed November 12, 1993; and

Whereas, the annual amount of the service charges for payable 1997 through payable 2009 inclusive is to be restored to \$888,191; and

Whereas, the service charges have to be certified to the Hennepin County Auditor on an annual basis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the assessment roll listing the service charges to be imposed for collection in 2000 and the affected properties as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends passage of the accompanying Resolution adopting the assessments, levying the assessments and adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 265354.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-404

By Mead

Adopting the assessments, levying the assessments and adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 265354.

Whereas, a public hearing was held on November 4, 1999 in accordance with Section 225.660 and 225.690 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment roll on file in the Office of the City

Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be it Resolved by The City Council of The City of Minneapolis:

That the following proposed assessments be waived:

- a) 3714 27th Av S (PID 01-028-24-43-0173) \$52.50;
- b) 2533 28th Av S (PID 36-029-24-14-0099) \$52.50;
- c) 4019 2nd Av S (PID 10-028-24-13-0026) \$52.50;
- d) 2315 Fremont Av N (PID 16-029-24-12-0107) \$52.50;
- e) 2317 Fremont Av N (PID 16-029-24-12-0106) \$158.81;
- f) 3341 Park Av (PID 02-028-24-23-0097) \$52.50;
- g) 2544 Quincy St NE (PID 11-029-24-14-0106) \$52.50.

That the proposed assessments against the affected properties on the List dated September 8, 1999 set forth in Petn No 265354 in the total amount of \$13,731.68 and as shown on the proposed assessment roll on file in the Office of the City Clerk be and hereby is revised to \$13,257.87 and are adopted and levied as herein revised.

Be It Further Resolved that the revised assessments in the amount of \$13,257.87 be collected in one (1) installment on the 2000 real estate tax statements with interest charged at an interest rate of 4%.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is revised to \$13,257.87 and adopted as revised herein and that the City Clerk is hereby directed to transmit a certified copy of said revised assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends passage of the accompanying Resolution designating the location, streets and improvements proposed to be made in the Central Av NE Street Lighting Project, Special Improvement of Existing Street No 2207.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-405
By Mead, Biernat and Ostrow

Central Av NE Street Lighting Project
Special Improvement of Existing
Street No 2207

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by installing low level pedestrian scale street lights, along with high level lights at select locations, together with all the necessary appurtenances and work related thereto:

Central Av NE from 18th to 27th Aves NE;
18th Av NE from Jackson to Polk Sts NE;
18 ½ Av NE from Jackson to Polk Sts NE;
19th Av NE from Jackson to Polk Sts NE;
20th Av NE from Jackson to Polk Sts NE;
22nd Av NE from Jackson to Polk Sts NE;
23rd Av NE from Jackson to Polk Sts NE;
24th Av NE from Jackson to Polk Sts NE;
Lowry Av NE from Jackson to Polk Sts NE;
26th Av NE from Jackson to Polk Sts NE;
27th Av NE from Jackson to Polk Sts NE.

Be It Further Resolved that the City Engineer be directed to proceed with the process to install street lighting along Central Av NE in the designated area.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends that the proper City officers be authorized to increase

the contract with Peer Environmental by an additional \$19,747.68, to a new total of \$44,747.68, to continue environmental investigations and ultimately obtain Minnesota Pollution Control Agency (MPCA) site closure at the former Public Works equipment facility at 1809 Washington St NE. The increase is payable from the Equipment Services budget.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the Metropolitan Airports Commission (MAC) Preliminary Capital Improvement Plan for 2000-2006, now recommends passage of the accompanying resolution offering the City's comments on said plan, to be submitted to MAC by November 22, 1999.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-406

**By Mead, Colvin Roy, Lane, Niland,
Johnson, Biernat, Ostrow, Campbell,
Cherryhomes, Goodman, Herron, Thurber,
McDonald**

Setting forth the City of Minneapolis' comments on the Metropolitan Airports Commission's (MAC) preliminary Capital Improvement Program 2000-2006.

Whereas, the Metropolitan Airports Commission has circulated a draft of the preliminary Capital Improvement Program 2000-2006 for comment by affected municipalities as required by Minnesota Statutes 463.621, Subd. 6; and

Whereas, the City of Minneapolis is greatly affected by the operations of the Minneapolis-St. Paul International Airport;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis remains concerned that the completion date for homes

located within the 1996 65 DNL noise contour not be delayed further and recommends that budgeted amounts be adjusted upward through 2003 as required to maintain a pace of 100 homes per month.

Be It Further Resolved that the City recommends that the budgeted amounts for residential sound insulation be factored to account for inflation.

Be It Further Resolved that the City urges MAC to complete the sound insulation of all eligible properties within the 65 and greater DNL noise contours before any properties within the 64 to 60 DNL noise contours.

Be It Further Resolved that the City urges MAC to amend the Preliminary Capital Improvement Program to reflect completion of the Part 150 sound insulation program in the following order of priority:

1. Complete the sound insulation of eligible single family and duplex homes that fall within the 1996 65 and greater DNL noise contours;

2. Complete the sound insulation of multi-family residential structures within the 1996 65 DNL and greater noise contours;

3. Complete the sound insulation of eligible single family and duplex homes that fall within the 2005 65 and greater DNL noise contours;

4. Complete the sound insulation of multi-family residential structures within the 2005 65 and greater DNL noise contours;

5. Complete the sound insulation of eligible single family and duplex homes that fall within the 2005 60 to 64 DNL noise contours; and

6. Complete the sound insulation of multi-family residential structures within the 2005 60 to 64 DNL noise contours.

Be It Further Resolved that the City commends the MAC for including funding in the 2000 budget year for the development of the light rail transit line. Light rail transit (LRT) will provide airport patrons and employees with additional transportation choices, thereby improving accessibility to and from the airport as well as increasing the ridership appeal of the Twin Cities first LRT line. The \$70 million contribution, which accounts for close to 25% of local funding participation towards total LRT project costs, is a significant display of commitment towards improved airport access and is recognized as such by the City.

Be It Further Resolved that the City Clerk of the City of Minneapolis be directed to transmit these comments to MAC by November 22, 1999.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes,
President of Council.

Approved November 18, 1999. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petr No 265356):

a) OP #5242, low bids submitted by Mooney and Company in the amount of \$9,163 and Signcrafters in the amount of \$7,750 for furnishing and delivering all labor, materials, equipment and incidentals necessary to accomplish decorative tree lighting;

b) OP #5243, low bid of Custom Products and Services for a total estimated expenditure of \$115,735 for furnishing and delivering snow removal and sidewalk maintenance services in the Central Av Special Service District (\$46,735) and Hennepin-Lake Special Service District (\$69,000); and

c) OP #5249, low bid of Northern States Power Company in the amount of \$1,074,895 for furnishing and delivering all labor, materials, equipment and incidentals necessary to complete the Prospect Park Pedestrian Lighting Project.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Midtown Greenway Trail Project, now recommends that the proper City officers be authorized to make a payment of \$36,379 to Canadian Pacific Railroad (CP Rail) for the installation of a railroad crossing at 31st St and Chowen Av S for the trail project (Contract #99-14243). Funds for the crossing are available in the Midtown Greenway Trail Project capital budget (4100-943-9464).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Supplemental Agreement No. 1 to Agreement #78579 with the Minnesota Department of Transportation for additional watermain between 46th St and E 54th St for relocation of water facilities for the Hiawatha project. Funding is available from the Water Work Capital Improvement Distribution System Reimbursable Account.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having received an update on the status of the City's Flood Mitigation Program and recommendations to amend the program (Petr No 265311) and to whom said recommendations were referred back, now recommends approval of the following changes:

Area #12 - 3700 Columbus Flood Basin - Add \$1,300,000 in year 2001 due to underestimated relocation expenses

Area #21/22 - Hiawatha Golf Course - Advance \$510,000 from year 2003 to year 2000 due to Minneapolis Park and Recreation Board plans to proceed with upgrades to the golf course over the winter of 1999/2000

Area #26 - 43rd & Park Av Flood Basin - Add \$500,000 to year 2000 due to higher than anticipated property acquisition costs

Area #34 - 60th St & 1st Av S Flood Pond - Add the \$1,400,000 contribution of the Minnesota Department of Transportation to year 2002

Area #37 - Logan Av N between 27th & 29th Aves N - Add \$2,000,000 to year 2002 to change the design from a dry basin to a pond

Area #43 - Abbott Hospital (new flood area) - Add \$550,000 to year 2006 for reconstruction of storm drain

Area #46 - 2800 block of Humboldt Av S (new flood area) - Add \$200,000 to year 2006 for replacement storm drain.

Adopted. Yeas, 12; Nays none.
Absent - Herron.
Passed November 12, 1999.
NOT APPROVED BY THE MAYOR.
Attest: M. Keefe, City Clerk.

CITY OF MINNEAPOLIS
CERTIFICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss
CITY OF MINNEAPOLIS)

I, MERRY KEEFE, City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a report of the Transportation & Public Works and Ways & Means/Budget Committees relating to City's Flood Mitigation Program, as acted upon by the City Council of Minneapolis, Minnesota, and designated as "Not Approved by the Mayor", for her approval and signature as such Mayor; that Mayor Sayles Belton did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the City Charter, said action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 19th day of November, 1999.

MERRY KEEFE, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends approval of the Grants Management Roles and Responsibilities Project Report, including its findings and recommendations, as more fully set forth in Petn No. 265362 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the matter of rehiring retirees as City employees, and having received a report from the City Attorney and the Human Resources

Director (Petr No 265363) relating to said hiring practices, now recommends approval of a policy for all appointed employees that would prohibit the rehiring of retirees, with exceptions which would include the following:

a) short-term assignments (not requiring permanent employment) to meet the business needs of the City; and

b) short-term contractual relationships to facilitate the continuation of an ongoing operation or project completion.

Your Committee further recommends that the City Council request that the Civil Service Commission approve the same policy for classified employees.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends approval for City participation in the Medica Health Intervention pilot study beginning in the Year 2000, to evaluate the impact of regular physical exercise on the health status of Medica Health Plan members, as more fully set forth in Petn No. 265363 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that a lawsuit filed against the City be settled and be payable to Lloyd Patterson and his attorney, Daniel R. Peterson, in the amount of \$14,000, payable from the Self Insurance Fund (6900-150-1500-6700).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Contract #14281 with Catholic Charities (said contract

provided a one-time award of \$60,000 in Fiscal Year 1999 Emergency Shelter Grant funds for operation of the Hennepin County Overflow Secure Waiting Facility for homeless persons), extending the time of performance to October 15, 1999 to enable the vendor to charge final incurred costs against the remaining balance of said contract.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget-Your Committee recommends that the proper City officers be authorized to execute the following change orders for the Convention Center Expansion Project:

a) Change Order #4 to Contract #13979 with Veit and Company, Inc., increasing said contract by \$1,266,177.11, for a new contract total of \$9,579,605.11; and

b) Change Order #3 to Contract #13434 with Builders, Inc., increasing said contract by \$61,865, for a new contract total of \$1,479,414.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 12, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 16, 1999)

W&M/Budget-Your Committee recommends that the proper City officers be authorized to execute an amendment to Contract #11239 with Firststaff, Inc. (acquired by Mindsharp in 1998), extending said contract through January 31, 2000, in an amount not to exceed \$45,000 payable from the Information and Technology Services Agency in the Intergovernmental Service Fund (6400-880-8845).

Your Committee further recommends that the proper City officers be authorized to issue a Request for Proposals for computer software training services (pending review and approval by the Permanent Review Committee).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 12, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 16, 1999)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an amendment to Contract #13914 with EMA Services, Inc., to provide services relating to Geographic Information Systems (GIS) 2000, Phase II (Enterprise Deployment), extending said contract through December 31, 1999 and increasing the limits by \$400,000, for a new contract total of \$950,000, payable from Strategic Information Systems Planning (SISP) Projects Agency in the Permanent Improvement Projects Fund (4100-972-A600).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with the Oracle Corporation to provide database software and client licenses for 40 users and the annual software maintenance thereof, for the BUIS Enterprise System (KIVA), in an amount not to exceed \$56,850, payable from Strategic Information Systems Planning (SISP) Projects Agency in the Permanent Improvement Projects Fund (4100-972-A860).

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the City's leased office space at the Midland Square Building, 331 2nd Avenue South, and issues relating to the forthcoming sale of said building, now recommends that the proper City officers be authorized to sign an "Estoppel Certificate," as confirmation that the City will continue to honor the existing lease after completion of the sale of said building, pursuant to Lease Agreement #13399.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #5247, submitted by St. Paul Linoleum and Carpet Company, in the amount of \$119,453, for furnishing and installing new carpet tiles at the Minneapolis Convention Center and for removal and disposal of old carpet, all in accordance with City specifications (Petr No 265365).

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said services.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends concurrence with the City Coordinator and the Finance Director in their recommendation that the proper City officers be authorized to issue a Request for Proposals (RFP) for the services of an actuarial consultant to act as the City's actuarial advisor for a period of 4 years and to provide a basis for ongoing actuarial audits by the Finance Department, as more fully set forth in Petr No 265366 on file in the Office of the City Clerk.

Your Committee further recommends that the proper City officers be authorized to enter into negotiations with RFP respondents to develop a contract for said services.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 12, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 16, 1999)

W&M/Budget - Your Committee recommends approval to reclassify the appointed position, Commissioner of Health, to Grade 17 (having evaluated the position at 770 points).

Your Committee further recommends passage of the accompanying amendment to the Salary Ordinance, setting the salary for said position, based on evaluations conducted by the Department of Human Resources, to be effective January 1, 1999.

Your Committee further recommends summary publication of said ordinance.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 99-Or-122, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the position of Commissioner of Health, was passed November 12, 1999 by the City Council and approved November 18, 1999 by the Mayor. A complete copy of this ordinance is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 99-Or-122

By Campbell

1st & 2nd Readings: 11/12/99

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

Appointed Officials (CAP)
Effective: January 1, 1999

FLSA	OTC	CLASSIFICATION	PTS	G	P	Start	After 1 Year	After 3 Years	After 6 Years
E	1	Commissioner of Health	770	17	B	\$93,825	98,763	101,726	103,701

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

Appointed Officials (CAP)
Effective: January 1, 2000

Schedule a:

FLSA	OTC	CLASSIFICATION	PTS	G	P	Start	After 1 Year	After 3 Years	After 6 Years
E	1	Commissioner of Health	770	17	B	\$96,170	101,232	104,269	106,294

Schedule b*:

FLSA	OTC	CLASSIFICATION	PTS	G	P	Start	After 1 Year	After 3 Years	After 6 Years
E	1	Commissioner of Health	770	17	B	\$96,639	101,726	104,778	106,812

*Schedule (b), above, shall be in effect should the City's General Fund revenue increase more than 3% for the year 2000 over the 1999 General Fund revenue.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999. J. Cherryhomes, President of Council.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the petition of Ross M Fefercorn (Vac #1274) to vacate a portion of the alley in the block bounded by Lake Street W, Fremont and Emerson Aves S and 31st St W to permit construction of two, 2-story 25,400 sq ft buildings with street level retail and restaurant and second floor office fronting on Lake St and six attached rowhouses with detached double garages, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 265371 and to grant said vacation.

Your Committee further recommends passage of the accompanying resolution vacating said portion of said alley, and summary publication of same.

McDonald moved that the report be postponed. Seconded.

Adopted upon a voice vote.

Z&P - Your Committee recommends granting the following applications for special permits, notwithstanding the Zoning Code:

a. Laura and David Gordon, 133 W 50th St: Application to allow applicant to obtain building permits for addition to rear of home to within 3.1 ft of side lot line to allow construction to begin while weather permits, on condition that applicant obtain approval for side yard variance. (#1999-184)

b. Esther Granbois, 2524 Nicollet Av S: Application to operate a dance studio pending approval of the Zoning Code revision, and anticipating that the location will be zoned C1, which will permit

performing, visual or martial arts school. (#1999-136)

c. Nordquist Sign on behalf of Dan Kelly's Bar and Grill at 212 S 7th St: Application to install one projecting sign on condition that sign installation comply with revised design submitted October 28, 1999 and attached to application. (#1999-142)

d. American Indian Business Development Corp, 1113 E Franklin Av: Application to complete all building and mechanical work needed to lawfully operate Marie's Cafe, on condition of obtaining site plan review approval. (#1999-166)

e. Lawrence Sign for Pizza Luce at 3200 Lyndale Av S: Application to remove existing pylon sign and install a double face, 6 ft x 7 ft 8 in, illuminated sign on existing pole, with "LUCE" to be open face neon channel letters painted green, and "pizza" to be single stroke red neon with red vinyl backup, on condition that lighting cannot shine into neighbors' windows. (#1999-173)

f. John Sherrell on behalf of Coffee Gallery, 2002 Lyndale Av S: Application to operate business and sell food stuffs as current food licenses permit, and to receive customers inside the business from 1:00 a.m. to 6:00 a.m. with no exterior business, noise or food sales, on condition that it is for one night only. (#1999-176)

Cherryhomes moved to amend the report by adding the following paragraph:

"g. Minneapolis Community Development Agency: Application to allow surface parking on undeveloped portions of Block E for 6 months. (#1999-186)" Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed November 12, 1999.

Approved November 12, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 16, 1999)

Z&P - Your Committee, having under consideration Conditional Use Permit C-1949 and Site Plan Review Permit PR-476 granted to Miled Soussi (Hi Lake Auto, d/b/a Tires For Less) for the site at 3009-21 Third Av S, and having conducted public hearings on September 21 and November 2, 1999 to determine if the terms of said permits have been violated and whether the permits should be modified or revoked, now recommends that C-1949 and PR-476 be revoked

effective immediately; and further recommends that this matter be referred to the PS&RS Committee on November 15, 1999 for action on the applicant's license and joint recommendation to the City Council. (Petr No 265368)

Adopted. Yeas, 13; Nays none.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration Site Plan Review Permit PR-444 granted to Mostafa Chatraei for the site at 3446 Bloomington Av S, and having conducted a public hearing to determine if the terms of said permit have been violated and whether the permit should be modified or revoked, now recommends that the chain link fence be allowed to remain and that the terms of PR-444 be amended in accordance with the Findings of Fact prepared by the City Attorney's Office and on file in the Office of the City Clerk. (Petr No 265368)

Adopted. Yeas, 13; Nays none.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Richard Johnson from the decision of the Board of Adjustment denying a request for a variance to permit a 20 ft x 24 ft detached garage between the front of the dwelling and the front property line at 4837 30th Av S (V-4548), and having conducted a public hearing thereon, now recommends that said appeal be denied in accordance with the Findings of Fact prepared by the City Attorney's Office and on file in the Office of the City Clerk and made a part of this report by reference. (Petr No 265367)

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted by a voice vote.

Z&P - Your Committee, having under consideration the appeal of Richard Johnson from the decision of the Board of Adjustment denying a request for a variance to permit a 20 ft x 24 ft detached garage between the front of the dwelling and the front property line at 4837 30th Av S (V-4548), and having conducted a public hearing thereon, now recommends that said appeal be granted in accordance with the Findings

of Fact prepared by the City Attorney's Office and on file in the Office of the City Clerk and made a part of this report by reference. (Petr No 265367)

Adopted. Yeas, 13; Nays none.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the Alternative Urban Areawide Review (AUAR) for the 800 and 900 Blocks of Nicollet Mall, adopted by Council action of September 26, 1997 and revised by Council action of June 26, 1998, and further having under consideration changes to the size, scale and design of the 900 Nicollet Project and mitigation measures agreed to by Ryan Companies US, Inc, now recommends that the City Council make the following requirements:

1. Ryan shall include skyways with a minimum width of 12 ft to all four of the Project's surrounding blocks.

2. Ryan shall demonstrate to the satisfaction of the Planning and Public Works Departments that Target's parcel pick-up operation will minimize disruption to pedestrians and vehicular traffic.

3. Ryan shall make all reasonable efforts to keep the sidewalks on 9th and 10th Sts and LaSalle Av free of obstructions including the following:

a. Ryan shall not place things that would attract people who might obstruct pedestrian movement, including outdoor seating, sidewalk displays, ashtrays, signs, etc. This is not intended to discourage interesting street-level display windows.

b. Ryan shall ensure that no sidewalk debris, decks for sidewalk vaults, snow or ice obstruct pedestrian flow.

4. Contingent upon MnDOT approval, the Public Works Department shall widen the sidewalk on the north side of 10th Street between LaSalle and Nicollet Aves by 4-1/2 feet and widen the sidewalk on the south side of 9th Street between LaSalle and Nicollet Aves by 1-1/2 feet, to make each sidewalk 12 feet wide.

Your Committee further recommends that the City Council conclude that the proposed changes to the 900 Nicollet Project are not likely to result in adverse environmental impacts that would be significantly greater than those already disclosed in the AUAR (as revised) for the 800

and 900 Blocks of Nicollet Mall, and that the AUAR need not be revised. (Petr No 265371)

Adopted. Yeas, 13; Nays none.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, to whom was referred the subject matter of a comprehensive zoning code revision (as set forth specifically in Council proceedings of July 25, 1997 and December 18, 1998 and Petr Nos 265369 and 265370), and the Planning Commission having conducted public hearings on the revision and made recommendations on it as set forth in Petr Nos 265369 and 265370, now recommends passage of the accompanying ordinances repealing all of Title 20 and Title 22 of the Minneapolis Code of Ordinances, relating respectively to the 1963 *Zoning Code* and *Land Subdivision*.

Your Committee further recommends second reading for amendment and passage of the accompanying ordinances setting forth new Title 20 and new Title 22 of the Minneapolis Code of Ordinances, relating respectively to the 1999 *Zoning Code* and *Land Subdivision*, consisting of the following chapters:

Chapter 520, Introductory Provisions

Chapter 521, Zoning Districts and Maps

Chapter 525, Administration and Enforcement

Chapter 527, Planned Unit Development

Chapter 529, Interim Ordinances

Chapter 530, Site Plan Review

Chapter 531, Nonconforming Uses and Structures

Chapter 535, Regulations of General Applicability

Chapter 536, Specific Development Standards

Chapter 537, Accessory Uses and Structures

Chapter 541, Off-Street Parking and Loading

Chapter 543, On-Premise Signs

Chapter 544, Off-Premise Signs

Chapter 546, Residence Districts

Chapter 547, Office Residence Districts

Chapter 548, Commercial Districts

Chapter 549, Downtown Districts

Chapter 550, Industrial Districts

Chapter 551, Overlay Districts

Chapter 598, Land Subdivision Regulations

Your Committee, further having under consideration an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of

Ordinances relating to *Zoning Code: Administration and Enforcement*, adding a new Section 525.65 relating to pending applications for non-compliant properties which have previously completed a zoning application process, which ordinance was referred to your Committee on August 27, 1999 and approved by your Committee on November 2, 1999, and is included in the 1999 Zoning Code revision ordinance, now recommends that the related findings set forth in Petn No 265369 be adopted.

McDonald moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

Z&P - Your Committee, to whom was referred the subject matter of a comprehensive zoning code revision, on file in the office of the City Clerk in Petn Nos 265369 and 265370, and the Planning Commission having conducted public hearings thereon and submitted a proposed zoning code revision to this committee, now recommends approval of the following:

1. Second reading for amendment and passage of an Ordinance amending the Minneapolis Code of Ordinances by adding a new Appendix I entitled "1963 Zoning Code Regulations".

2. Second reading for amendment and passage of the accompanying Ordinance amending Chapter 530 of Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code: Site Plan Review Standards, renumbering Section 530.10 as Section 1 in a new Appendix I under the title of "1963 Zoning Code Regulations" and repealing the remainder of Chapter 530.

3. Second reading for amendment and passage of the accompanying Ordinance amending Chapter 540 of Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code: Business Districts, renumbering Section 540.290 relating to Design and maintenance of parking spaces and Section 540.410 relating to Regulated uses as Sections 2 and 3 respectively in a new Appendix I under the title of "1963 Zoning Code Regulations" and repealing the remainder of Chapter 540.

4. Second reading for amendment and passage of the accompanying Ordinances repealing the following chapters of Title 20 and Title 22 of the Minneapolis Code of Ordinances, relating respectively to the 1963 Zoning Code and Land Subdivision.

Chapter 522, In General

Chapter 524, Accessory Buildings

Chapter 525, Administration and Enforcement

Chapter 526, Bulk Regulations

Chapter 527, Planned Unit Development

Chapter 528, Off-street Parking and Loading

Facilities

Chapter 529, Interim Ordinances

Chapter 531, Nonconforming Uses and Structures

Chapter 536 Zoning Districts and Maps Generally

Chapter 538, Residence Districts

Chapter 539 Off-premises Advertising Signs and Billboards

Chapter 541, Hennepin-Lake District

Chapter 542, Manufacturing Districts

Chapter 543, Floodplain Districts

Chapter 545, Solar Access

Chapter 550, Riverfront Development Generally

Chapter 551, RR Riverfront Residential District

Chapter 552, RC Riverfront Commercial District

Chapter 555, Riverfront Height Districts

Chapter 557, Industrial Living Overlay District (ILOD)

Chapter 558, Linden Hills Overlay District (LHOD)

Chapter 560, Shoreland Districts Generally

Chapter 570, Minnesota Technology Corridor, Development Generally

Chapter 571, Minnesota Technology Corridor, Research and Development District (T)

Chapter 572, Minnesota Technology Corridor Supportive Commercial (TC)

Chapter 598, Land Subdivision Regulations.

5. Approve amendments to the proposed zoning code revision, as follows:

a. Delete the following from the North Sector Zoning Map:

"PLATE 8/13 Per the Comprehensive Plan adopted in 1982, it is requested that the area between Plymouth Av N and Lowry Av N, from Washington Avenue to the Mississippi River be zoned I1."

b. Delete the following from the Northeast/Southeast Sector Zoning Map:

"PLATE 9. Per the 'Upper River in Minneapolis' Comprehensive Plan amendment adopted in 1986, it is requested that the area north of the Grain

Belt Brewery site to 27th Ave NE and west from Marshall St NE to the Mississippi River be zoned R6"

c. Amend Section 520.50(b) related to scope of regulations to read:

"(b) *Exceptions.* Where a building permit (or grading or earth retention permit for construction of a building) has been issued and all required environmental approvals have been received for the establishment, construction, alteration, expansion, relocation or intensification of any structure or use prior to the effective date of this zoning ordinance, such action may be completed in accordance with the regulations of the 1963 zoning code, provided the use is established, or construction or excavation is begun within ninety (90) days of such date and proceeds on a continuous basis toward completion, and subject thereafter to the regulations of Chapter 531, Nonconforming Uses and Structures."

d. Add a new section 520.140(c) related to unlawful uses to read:

"(c) *Unlawful uses.* A use existing on the effective date of this zoning ordinance that does not conform to a compliance deadline of the 1963 zoning code shall remain unlawful and shall be subject to such compliance deadline."

e. Amend section 530.90 related to existing uses to read:

"530.90. Existing uses. (a) *In general.* Uses existing on the effective date of this zoning ordinance that do not conform to the October 31, 1993 compliance deadline of the 1963 zoning code governing site plan review shall remain unlawful. Such uses shall continue to be subject to the site plan review standards contained in section 530.10 and 540.290 of the 1963 zoning code, except as otherwise prohibited by this zoning ordinance.

"(b) *1963 zoning code compliance deadline.* Presently existing facilities shall be permitted to operate as a nonconforming use in accordance with the provisions of section 531.20 through 531.110. Such nonconforming status shall become unlawful on October 31, 1993. Prior to April 30, 1992, the zoning administrator shall investigate the status of all automobile related facilities as to length of continuous operation and determine which uses would become unlawful on October 31, 1993. Appeals from the determination of the zoning administrator shall be pursuant to Chapter 525, Administration and Enforcement."

f. Add a new section 531.70(3) related to drive-through banking facilities as follows:

"(3) *Drive-through banking facilities.* Any lawfully nonconforming drive-through banking facility may replace teller-served equipment with automatic teller machines, or vice versa, provided the number of drive-through lanes shall not be increased, and subject to all other applicable regulations of this zoning ordinance."

g. Amend section 537.20(4) related to accessory uses and structures to read:

"(4) The accessory use or structure shall be located on the same zoning lot as the principal use or structure served, except for accessory off-street parking and loading facilities, subject to the provisions of Chapter 541, Off-Street Parking and Loading and the applicable requirements of the district in which such facility is located."

h. Amend section 541.250(c) related to the location of off-site parking to read:

"(c) *Location of off-site parking.* All off-site parking shall serve a use allowed in the zoning district where such parking is located or shall comply with Table 541-3 Location of Off-Site Parking, whichever requirement is more restrictive, subject to maximum distance requirements for required parking as specified in this chapter, except as provided for in section (d) below."

i. Add a new section 549.360 related to existing adult uses to read:

"549.360. Existing uses. (a) *In general.* Uses existing on the effective date of this zoning ordinance that do not conform to the December 1, 1988 compliance deadline of the 1963 zoning code governing the location of regulated uses shall remain unlawful. Such uses shall continue to be subject to the amortization requirements contained in section 540.410 of the 1963 zoning code."

"(b) *1963 zoning code amortization of nonconforming uses.* Establishments in violation of the location restrictions governing regulated uses shall be permitted to operate as a nonconforming use in accordance with the provisions of sections 531.20 through 531.110. Such use shall become unlawful on and after December 1, 1988. Prior to July 1, 1987, the zoning administrator shall investigate the status of every adults-only bookstore, adults-only motion picture theater, adult entertainment center, massage parlor, rap parlor and sauna in the city, as to length of continuous operation and determine which uses would become unlawful on December 1, 1988. Appeals from the determination of the zoning administrator shall be pursuant to Chapter

525, Administration and Enforcement. The city council may, upon receiving the recommendation of the zoning administrator, extend said date where the appellant established that discontinuance of the use on December 1, 1988 results in a taking of a valuable property interest held by the appellant on the effective date of this section without the payment of just compensation."

j. Amend section 549.220(3) related to the interior through-block connection premium to read:

"a. The connection shall connect two public streets on opposite sides of the block, or shall connect a public street to an urban open space on the opposite side of the block, or shall connect two urban open spaces on opposite sides of the block, or shall connect to another interior through-block connection. In addition, on developments involving less than one-half block, the interior through-block connection may connect two public streets on opposite sides of the block in combination with corridors in one or more buildings."

k. Amend section 549.230(8) related to limitations on FAR premiums to read:

"(8) A zoning lot shall not qualify for more than two (2) mixed-use residential premiums. The gross floor area of the dwelling units and related elevator shafts and stairwells qualifying for the mixed-use residential premium shall not be included in the calculation of total gross floor area of the zoning lot."

l. Add a new section 551.170 related to the PO Overlay District as follows:

"551.170. Central and Lowry area. The following additional regulations shall govern development within the PO Overlay District in and around the intersection of Central Avenue Northeast and Lowry Avenue Northeast, as shown on the official zoning map:"

"(1) *Drive-through banking facilities.* Any lawfully nonconforming drive-through banking facility may add one (1) additional drive-through lane provided the additional drive-through lane is located within the boundaries of the zoning lot existing on the effective date of this ordinance, and subject to all other applicable regulations of this zoning ordinance."

m. Amend a portion of section 551.500 related to the SH Overlay District to read:

"551.500. Grading and filling. Grading or filling of the natural topography involving more than ten (10) cubic yards where the slope of the land is toward a protected water shall be prohibited within the SH Overlay District except where

authorized by an erosion control plan approved by the city engineer and the zoning administrator, subject to the following conditions:"

n. Amend section 551.980 related to the HA Overlay District to read:

"551.980. Height. The maximum height of all principal structures, except cluster developments, shall be eight (8) stories or one hundred twelve (112) feet, whichever is less, for properties located between Twelfth Street South, Tenth Street South, Harmon Place and LaSalle Avenue. The maximum height for all other properties shall be four (4) stories or fifty-six (56) feet, whichever is less. Parapets not exceeding three (3) feet in height shall be exempt from such limitations, except where located on cluster developments."

o. Amend the North Sector Zoning Map as follows:

PLATE 2 4901 to 5099 Girard Avenue North (odd side only), from R1A to R4

PLATE 7 1821, 2005 and 2022 West Broadway, from C4 to C1

PLATE 7 2021 West Broadway, from C2 to C1

p. Amend the Northeast/Southeast Sector Zoning Map as follows:

PLATE 9 14th Avenue NE to 22nd Avenue NE between Marshall Street and the Mississippi River, from R6 to the original staff recommendation as shown on the October 1998 Northeast/Southeast Sector Map

PLATE 14 Extend the Pedestrian Overlay District boundaries to cover the two entire blocks bounded by East Hennepin, Second Avenue Northeast, University Avenue Northeast and Second Street Northeast.

q. Amend the Southwest Sector Zoning Map as follows:

PLATE 24 2815-27 Lyndale Avenue South, from I1 to C2

PLATE 36 600 W 55th Street, from R1A to R4

PLATE 36 5446 Garfield Ave S, from R1A to R4

PLATE 37 5815 and 5821 Nicollet Ave, from C1 to C2

PLATE 37 9-11 East 58th Street, from C1 to C2

PLATE 37 15 East 58th Street, from OR1 to C2.

r. Amend the South Sector Zoning Map as follows:

PLATE 20 912-924 East 24th Street, adding the ILOD Overlay.

5. Second reading for amendment and passage of the accompanying ordinances adding

new Title 20 relating to the 1999 *Zoning Code* and new Title 22 relating to *Land Subdivision*, of the Minneapolis Code of Ordinances, including all the Chapters listed below.

Chapter 520, Introductory Provisions

Chapter 521, Zoning Districts and Maps Generally

Chapter 525, Administration and Enforcement

Chapter 527, Planned Unit Development

Chapter 529, Interim Ordinances

Chapter 530, Site Plan Review

Chapter 531, Nonconforming Uses and Structures

Chapter 535, Regulations of General Applicability

Chapter 536, Specific Development Standards

Chapter 537, Accessory Uses and Structures

Chapter 541, Off-Street Parking and Loading

Chapter 543, On-Premise Signs

Chapter 544, Off-Premise Advertising Signs and Billboards

Chapter 546, Residence Districts

Chapter 547, Office Residence Districts

Chapter 548, Commercial Districts

Chapter 549, Downtown Districts

Chapter 550, Industrial Districts

Chapter 551, Overlay Districts

Chapter 598, Land Subdivision Regulations

6. Adopt the findings relating to Title 20, Chapter 525, Section 525.65 of the Minneapolis Code of Ordinances relating to the 1999 *Zoning Code: Administration and Enforcement*, providing for pending applications for non-compliant properties which have previously completed a zoning application process, as set forth in Petn No 265369.

7. Authorize summary publication of the accompanying ordinances.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Biernat.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinances 99-Or-123 through 99-Or-153, the comprehensive Zoning Code revisions, were passed November 12, 1999 by the City Council and approved November 18, 1999 by the Mayor.

Amending the Minneapolis Code of Ordinances by adding a new Appendix I entitled "1963 Zoning Code Regulations".

Amending Chapter 530 of Title 20 relating to *Zoning Code: Site Plan Review Standards*, by renumbering Section 530.10 as Section 1 in a new Appendix I, and repealing the remainder of Chapter 530.

Amending Chapter 540 of Title 20 relating to *Zoning Code: Business Districts*, by renumbering Section 540.290 relating to *Design and maintenance of parking spaces* and Section 540.410 relating to *Regulated uses* as Sections 2 and 3 respectively in a new Appendix I, and repealing the remainder of Chapter 540.

Repealing the following chapters of Title 20 and Title 22 relating respectively to the 1963 *Zoning Code* and *Land Subdivision*:

Chapter 522, In General

Chapter 524, Accessory Buildings

Chapter 525, Administration and Enforcement

Chapter 526, Bulk Regulations

Chapter 527, Planned Unit Development

Chapter 528, Off-street Parking and Loading Facilities

Chapter 529, Interim Ordinances

Chapter 531, Nonconforming Uses and Structures

Chapter 532, Reserved

Chapter 534, Reserved

Chapter 536 Zoning Districts and Maps Generally

Chapter 538, Residence Districts

Chapter 539 Off-premises Advertising Signs and Billboards

Chapter 541, Hennepin-Lake District

Chapter 542, Manufacturing Districts

Chapter 543, Floodplain Districts

Chapter 545, Solar Access

Chapter 550, Riverfront Development Generally

Chapter 551, RR Riverfront Residential District

Chapter 552, RC Riverfront Commercial District

Chapter 555, Riverfront Height Districts

Chapter 557, Industrial Living Overlay District (ILOD)

Chapter 558, Linden Hills Overlay District (LHOD)

Chapter 560, Shoreland Districts Generally

Chapter 570, Minnesota Technology Corridor, Development Generally

Chapter 571, Minnesota Technology Corridor, Research and Development District (T)

Chapter 572, Minnesota Technology Corridor Supportive Commercial (TC)

Chapter 598, Land Subdivision Regulations.

Adopting a new Title 20 relating to the 1999 Zoning Code, and a new Title 22 relating to Land Subdivision, of the Minneapolis Code of Ordinances, including all of the Chapters listed below:

CHAPTER 520. INTRODUCTORY PROVISIONS

Chapter 520 states the authority and purposes for the zoning ordinance, includes rules of construction and other provisions for interpreting and applying the ordinance, states the scope of the zoning regulations and provides for exceptions, requires compliance with other applicable local, state and federal regulations, authorizes the city to make reasonable accommodation as required by the Federal Fair Housing Amendments Act, and includes definitions of words and phrases used throughout the zoning ordinance.

CHAPTER 521. ZONING DISTRICTS AND MAPS GENERALLY

Chapter 521 lists the various residence, office residence, commercial, downtown, industrial and overlay zoning districts, and establishes the official zoning map showing the locations and boundaries of the zoning districts, which is incorporated herein by reference.

CHAPTER 525. ADMINISTRATION AND ENFORCEMENT

Chapter 525 establishes procedures required for the administration of the zoning ordinance, provides for concurrent review, provides for determination of substantially similar uses, outlines the powers and duties of the officials and bodies charged with administration of the zoning ordinance, establishes application procedures and fees, provides for appeals of decisions, establishes public hearing procedures and standards for required zoning approvals including zoning certificates, zoning amendments, conditional use permits, interim uses and variances, and provides for enforcement of the zoning ordinance.

CHAPTER 527. PLANNED UNIT DEVELOPMENT

Chapter 527 establishes the procedures and standards required for the development of areas as planned developments, provides exceptions to the zoning ordinance standards that may be approved, including building placement, bulk regulations, lot and yard requirements, signs and off-street parking and loading, establishes provisions for planned residential developments,

planned commercial developments and planned industrial developments, establishes application and approval procedures, and sets forth the findings required for approval of a planned development.

CHAPTER 529. INTERIM ORDINANCES

Chapter 529 authorizes the adoption of interim ordinances to protect the planning process and the city's planning goals by temporarily regulating, restricting or prohibiting any use or development in all or a part of the city, establishes the procedures required for adoption of an interim ordinance, and provides for a waiver of the restrictions included in an interim ordinance in cases of hardship.

CHAPTER 530. SITE PLAN REVIEW

Chapter 530 lists the uses subject to major and minor site plan review, establishes procedures for major and minor site plan review and the findings required for major site plan approval, authorizes the approval of alternatives to major site plan review requirements, provides that existing uses remain subject to the 1963 zoning code site plan review compliance deadline, establishes site plan standards related to building placement and facade, access and circulation, landscaping and screening, lighting, crime prevention and historic structures, and establishes standards for larger buildings located in the Downtown districts.

CHAPTER 531. NONCONFORMING USES AND STRUCTURES

Chapter 531 governs nonconforming uses and structures generally, provides for the establishment of nonconforming rights, regulates the enlargement, intensification, expansion or reconstruction of nonconforming uses and structures, prohibits the reestablishment of nonconforming uses and structures after abandonment or destruction, establishes procedures and required findings for approval of expansion or structural alteration of nonconforming uses and structures and change of nonconforming use, and regulates the use of nonconforming lots.

CHAPTER 535. REGULATIONS OF GENERAL APPLICABILITY

Chapter 535 establishes regulations of general applicability for all uses and structures, including regulations governing essential uses allowed in all zoning districts, height restrictions near the airport, screening of mechanical equipment, height of light poles, lot controls, yard controls and allowed obstructions, protection of natural features, temporary uses, fences, home

occupations, communication towers and antennas, and general performance standards governing lighting, glare and heat, vibration, odors, air emissions, explosives and flammables, hazardous materials, discharge of waste and water pollution.

CHAPTER 536. SPECIFIC DEVELOPMENT STANDARDS

Chapter 536 establishes specific development standards for certain land uses, including minimum lot area, minimum spacing, lighting, litter removal and other specific requirements.

CHAPTER 537. ACCESSORY USES AND STRUCTURES

Chapter 537 establishes general standards governing accessory uses and structures, including maximum height and floor area, yard requirements and prohibited accessory uses, lists specific accessory uses that are allowed and any additional regulations associated with such uses, and provides for the determination of additional accessory uses and structures.

CHAPTER 541. OFF-STREET PARKING AND LOADING

Chapter 541 establishes general regulations governing the use of off-street parking and loading facilities, establishes provisions regarding the computation of parking and loading requirements, establishes specific off-street parking requirements, authorizes the planning commission to require additional parking for conditional uses, provides for reducing parking requirements through shared parking and transit incentives, regulates access to parking and loading and the location of off-site parking, establishes regulations governing parking area design and maintenance, provides special parking provisions for specific zoning districts and uses, establishes specific off-street loading requirements, and establishes regulations governing the location, design and maintenance of loading spaces and special loading provisions for specific zoning districts.

CHAPTER 543. ON-PREMISE SIGNS

Chapter 543 establishes general regulations governing on-premise signs, including exempt signs, prohibited signs and the illumination of signs, establishes regulations governing the computation of sign area and sign height, establishes specific standards governing the size, height, lighting and types of signs allowed in the various zoning districts, includes provisions to address the unique sign needs of certain land uses and provisions to address specific types of signs, establishes regulations governing the

mounting, maintenance and repair and removal of signs, and includes provisions to vary the height, area or location of signs.

CHAPTER 544. OFF-PREMISE ADVERTISING SIGNS AND BILLBOARDS

Chapter 544 establishes general regulations governing advertising signs and billboards, including general restrictions on sign locations, required spacing from public parks, orientation and maintenance of signs and sign faces, regulations governing nonconforming signs, and provisions for interpreting and applying the chapter, establishes the regulations for a single general billboard district, and establishes regulations for the limited access roadway and downtown opportunity billboard districts.

CHAPTER 546. RESIDENCE DISTRICTS

Chapter 546 establishes general regulations governing the residence zoning districts, including the uses allowed, maximum occupancy standards, hours open to the public, truck parking, height restrictions and provisions for increasing the maximum height of structures, lot dimension and building bulk requirements, density bonuses, maximum lot coverage and impervious surface coverage, yard requirements, including a requirement that all required yards for nonresidential uses be landscaped, and an enclosed building requirement. The Chapter combines the R2A and R2B Districts into a single R2B District, eliminates the R5A and R6A Districts, and establishes the various residence zoning districts and the specific district regulations governing uses in each. The R1 and R1A Single Family Districts are established to provide an environment of predominantly low density single family dwellings and cluster developments. The R2 and R2B Two Family Districts are established to provide an environment of predominantly low density single and two family dwellings and cluster developments. The R3 Multiple Family District is established to provide an environment of predominantly single and two family dwellings, cluster developments and smaller multiple family developments. The R4 Multiple Family District is established to provide an environment of predominantly single and two family dwellings, cluster developments, medium density apartments and congregate living arrangements. The R5 and R6 Multiple Family Districts are established to provide an environment of predominantly medium and high density apartments, congregate living arrangements and cluster developments.

CHAPTER 547. OFFICE RESIDENCE DISTRICTS

Chapter 547 establishes general regulations governing the office residence zoning districts, including the uses allowed, maximum occupancy standards, hours open to the public, truck parking, height restrictions and provisions for increasing the maximum height of structures, lot dimension and building bulk requirements, density bonuses, maximum lot coverage and impervious surface coverage, yard requirements, an enclosed building requirement, and the general use category *Neighborhood serving retail sales and services*, which may be allowed in larger mixed use buildings. The Chapter establishes the various office residence zoning districts and the specific district regulations governing uses in each. The OR1 Neighborhood Office Residence District is established to provide a small scale mixed-use environment of low to moderate density dwellings and office uses. The OR2 High Density Office Residence District is established to provide a mixed-use environment of moderate to high density dwellings and large offices, with additional small scale retail sales and services uses designed to serve the immediate surroundings. The OR3 Institutional Office Residence District is established to provide a mixed-use environment of very high density dwellings, large office and major institutions, with additional small scale retail sales and services uses designed to serve the immediate surroundings.

CHAPTER 548. COMMERCIAL DISTRICTS

Chapter 548 establishes general regulations governing the commercial zoning districts, including the uses allowed, maximum occupancy standards, hours open to the public, truck parking, height restrictions and provisions for increasing the maximum height of structures, lot dimension and building bulk requirements, density bonuses, yard requirements, an enclosed building requirement, and two general use categories: *General retail sales and services*, and *Limited production and processing*. The Chapter establishes the various commercial zoning districts and the specific district regulations governing uses in each. The C1 Neighborhood Commercial District is established to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses. The C2 Neighborhood Corridor Commercial District is established to provide an environment of retail sales and commercial services that are larger in

scale than allowed in the C1 District and to allow a broader range of automobile related and recreational uses. The C3A Community Activity Center District is established to provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services. The C3S Community Shopping Center District is established to provide for the development of major retail centers, where both adequate land area and transportation access can be provided. The C4 General Commercial District is established to provide for a wider range of commercial development allowing a mix of retail, business services and limited industrial uses.

CHAPTER 549. DOWNTOWN DISTRICTS

Chapter 549 establishes general regulations governing the downtown zoning districts, including the uses allowed, maximum occupancy standards, hours open to the public, truck parking, height restrictions and provisions for increasing the maximum height of structures, lot dimension and building bulk requirements, density bonuses, yard requirements, an enclosed building requirement, bicycle facility requirements for developments containing 500,000 square feet, floor area ratio premiums, provision for transfer of development rights, regulations governing sexually oriented uses and provides that existing uses remain subject to the 1963 zoning code compliance deadline governing the location of regulated uses, and two general use categories: *General retail sales and services*, and *Limited production and processing*. The Chapter establishes the various downtown zoning districts and the specific district regulations governing uses in each. The B4 Downtown Business District is established to provide an environment for retail and office activities of citywide and regional significance. The B4S Downtown Service District is established to provide an environment for a wide range of retail and office activities as well as supportive goods and services uses not allowed in the B4 District. The B4C Downtown Commercial District is established to provide an environment for a wide range of commercial uses including a mix of retail, office, business services and limited industrial uses.

CHAPTER 550. INDUSTRIAL DISTRICTS

Chapter 550 establishes general regulations governing the industrial zoning districts, including the uses allowed, hours open to the public, truck parking, height restrictions and provisions for increasing the maximum height of structures, lot

dimension and building bulk requirements, yard requirements, an enclosed building requirement, and three general use categories: *Light, medium and general industrial uses*. The Chapter establishes the various industrial zoning districts and the specific district regulations governing uses in each. The I1 Light Industrial District is established to provide clean, attractive locations for low impact and technology-based light industrial uses that produce little or no adverse effect on surrounding properties. The I2 Medium Industrial District is established to provide locations for medium industrial uses and other specific uses that have the potential to produce greater amounts of objectionable influences than uses allowed in the I1 District. The I3 General Industrial District is established to provide locations for high impact and outdoor industrial uses and other specific uses which are likely to have a substantial adverse effect on the environment or on surrounding properties and require special measures and careful site selection to ensure compatibility with the surrounding area.

CHAPTER 551. OVERLAY DISTRICTS

Chapter 551 establishes general regulations governing overlay districts and their relationship to other applicable regulations. The Chapter establishes the various overlay zoning districts and the specific regulations governing uses in each. The PO Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by prohibiting certain uses and regulating the form of development. The LH Linden Hills Overlay District is established to preserve and promote the pedestrian character of the Linden Hills commercial areas by prohibiting certain uses and regulating the form of development. The IL Industrial Living Overlay District is established to encourage the rehabilitation and reuse of existing industrial structures by providing for limited residential and retail uses in the I1 and I2 Industrial Districts where such uses are compatible with other uses in the area. The TP Transitional Parking Overlay District is established to allow parking lots for passenger automobiles in residence and office residence districts when adjacent to a zoning district where additional parking for customers and employees is needed. The SH Shoreland Overlay District is established to preserve and enhance the environmental qualities of surface waters and the natural and economic values of shoreland areas within the

city, to provide for the efficient and beneficial utilization of those waters and shoreland areas and to comply with the requirements of state law regarding the management of shoreland areas. The FP Floodplain Overlay District is established to provide special regulations governing development within the boundaries of the FP Floodplain Overlay District in order to minimize damage to property due to flooding. The MR Mississippi River Critical Area Overlay District is established to prevent and mitigate damage to the Mississippi River, to preserve and enhance the Mississippi River's natural, aesthetic, cultural and historic value for public use, to protect and preserve the biological and ecological functions of the Mississippi River corridor, and to comply with the requirements regarding the management of critical areas. The DP Downtown Parking Overlay District is established to preserve significant and useful buildings and to protect the unique character of downtown and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots. The B4H Downtown Housing Overlay District is established to provide areas that offer affordable housing that may not meet the regulations of the primary zoning district, including minimum spacing and maximum occupancy requirements for congregate living residential uses. The DH Downtown Height Overlay District is established to regulate the building bulk requirements of structures within portions of the downtown area where such regulation is consistent with the planned character of the area. The NM Nicollet Mall Overlay District is established to preserve and encourage the pedestrian character of the Nicollet Mall area and to promote street level activity by prohibiting certain uses and regulating the form of development. The HA Harmon Area Overlay District is established to preserve and protect the unique character of the Harmon area by encouraging the adaptive reuse of existing buildings and by limiting the height and scale of new development.

CHAPTER 598. LAND SUBDIVISION REGULATIONS

Chapter 598 establishes regulations governing the subdivision of land, including the scope of the land subdivision regulations, restrictions on conveyances, definitions of terms used, coordination of zoning and subdivision approvals, requirement of a development plan, protection of natural features, application procedures for plats, registered land surveys and minor subdivisions,

public hearing requirements, subdivision design requirements governing lot frontage, streets, alleys, sidewalks, utility easements and outlots, provisions designed to preserve large lot residential areas, provisions authorizing party wall divisions of existing two family dwellings, and the findings required for subdivision approval. The Chapter authorizes the city to impose reasonable conditions and guarantees upon subdivision approval, including the proper installation and maintenance of any required public improvement, provides for variances from the subdivision regulations, establishes appeal procedures, and requires recording of subdivision approval.

A complete copy of these ordinances are available for public inspection in the office of the City Clerk. (See Council Proceedings Supplement, Volume 124).

The **COMMITTEE OF THE WHOLE** submitted the following report:

Comm of the Whole - Your Committee rises and reports that it has had under consideration the Nicollet Mall improvement, maintenance and operation assessments payable in 2000 and all written and oral objections and statements regarding the assessments and having held a public hearing on November 12, 1999 in accordance with the provisions of Minnesota Statutes, Section 430.102, now recommends that the proposed assessments be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 265372) be adopted and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

MOTIONS

Ostrow, Chair of the Claims Committee, moved concurrence in the reports received from the City Attorney (Petn No 265374) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December 1999 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

Passed November 12, 1999.

Approved November 18, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

UNFINISHED BUSINESS

Septran Inc, 3948 Nicollet Av: Deny appeal for nonconforming use certificate to allow gas station and repair garage, grant appeal for variance. (Postponed 10/30/98, Z&P)

McDonald moved to continue postponement. Seconded.

Adopted upon a voice vote.

Campbell moved to adjourn to Room 315 City Hall, immediately following the Minneapolis Community Development Agency Board of Commissioners meeting, for an adjourned Council session to consider the following litigation:

1. *American Iron & Supply vs. City of Minneapolis*

2. *Richard Long vs. City of Minneapolis*

3. *Loeffler vs. Coleman and Skelly's Liquors*
Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Herron.

MERRY KEEFE,
City Clerk.

Created: December 6, 1999

Revised: December 8, 1999 (Correct pg 904
referencing OP #5249).

Revised: July 13, 2000.